



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***February 19, 2002
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Peter E. Papanikolaou, Holy Trinity Greek Orthodox Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Today's meeting will be taped by RVTV Channel 3, to be replayed on Channel 3 on Thursday, February 21, 2002, at 7:00 p.m., and Saturday, February 23, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541 TO OBTAIN AN APPLICATION.

RVTV CHANNEL 3 COVERAGE OF THE CITY COUNCIL MEETING WILL CONCLUDE FOLLOWING ITEM 11, CITY MANAGER COMMENTS.

2. **PRESENTATIONS AND ACKNOWLEDGMENTS:**

Introduction of Youth Chinese Opera troupe.

Proclamation declaring March 1 - 2, 2002 as Habitat for Humanity Days.

P. 11

3. **CONSENT AGENDA**

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meetings of Council held on Monday, December 17, 2002, Monday, January 7, 2002, and an extract of the regular meeting held on Tuesday, January 22, 2002.

P. 12; P. 68; P. 93

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

- C-2 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended.

P. 97

RECOMMENDED ACTION: Concur in request.

- C-3 Qualification of the following persons:

Ralph K. Smith as a member of the Hotel Roanoke Conference Center Commission, to fill the unexpired term of James D. Grisso, resigned, commencing February 1, 2002, and ending April 12, 2004; and

Dolores Y. Johns as a member of the Blue Ridge Behavioral Healthcare, Board of Directors, for a term ending December 31, 2004.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. A communication from Kaye Hale, Executive Director, West End Center for Youth, to address the new policy for CDBG awards and potential funding for local organizations.
- b. A request of Dr. Cheri W. Hartman, Director of Teen Outreach, Family Service of Roanoke Valley, to address youth services in the City of Roanoke.

P. 98

P. 100

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

- 1. A communication recommending execution of a contract with Rosser International, Inc., for architectural and engineering services for the proposed stadium-amphitheater complex to be constructed on a site across from the Roanoke Civic Center, in the amount of \$1,250,000.00.

P. 102; R. 104

- | | |
|--|------------------------------------|
| <p>2. A communication recommending acceptance of the bid submitted by The Richardson-Wayland Electrical Corporation, for improvements and signalization at Williamson Road and Hildebrand Road, N. W., in the amount of \$47,844.00; and transfer of \$52,600.00 in connection with the project.</p> | <p>P. 105; B/O 108;
O. 109</p> |
| <p>3. A communication recommending acceptance of the bid submitted by Kovatch Mobile Equipment Corporation for the purchase of a 1500 GPM fire engine with water tower for the Fire-EMS Department, in the amount of \$429,767.00; and appropriation of funds.</p> | <p>P. 111; B/O 114;
R. 115</p> |
| <p>4. A communication recommending authorization to use competitive negotiation as the method to secure vendors to provide software and software services for the Police Department and the Department of Technology.</p> | <p>P. 116; R. 118</p> |
| <p>5. A communication recommending acceptance of a V-STOP Domestic Violence Grant from the Virginia Department of Criminal Justice Services, in the amount of \$27,003.00; and appropriation of funds.</p> | <p>P. 120; B/O 122;
R. 124</p> |
| <p>6. A communication recommending approval of an extension contract with American Electric Power Company for electric service on a bundled basis from July 1, 2002 - June 30, 2007; and an extension of the City's street lighting contract from July 1, 2002 - July 30, 2007.</p> | <p>P. 125; R. 163</p> |
| <p>b. CITY CLERK:</p> | |
| <p>1. A report requesting that Council establish certain dates in connection with appointment of two Trustees to the Roanoke City School Board for terms commencing July 1, 2002, and ending June 30, 2005.</p> | <p>P. 167</p> |

c. **DIRECTOR OF FINANCE:**

1. A report recommending appropriation of \$227,651.00, in connection with CDBG program income from the Roanoke Redevelopment and Housing Authority and CDBG miscellaneous program income.

P. 169; B/O 171

7. REPORTS OF COMMITTEES:

- a. A communication from the Roanoke City School Board requesting appropriation of funds for various school accounts; and a report of the Director of Finance recommending that Council concur in the request.

P. 173; B/O 177

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

11. CITY MANAGER COMMENTS:

RVTV CHANNEL 3 COVERAGE OF THE COUNCIL MEETING WILL CONCLUDE.

12. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS ALSO A TIME FOR INFORMAL DIALOGUE BETWEEN COUNCIL MEMBERS AND CITIZENS. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

CERTIFICATION OF CLOSED SESSION.

THE MEETING OF COUNCIL WILL BE DECLARED IN RECESS TO BE RECONVENED AT 5:00 P.M., IN THE EMERGENCY OPERATIONS CENTER CONFERENCE ROOM, ROOM 159, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., FOR A JOINT MEETING OF ROANOKE CITY COUNCIL AND THE ROANOKE CITY PLANNING COMMISSION.

THE ROANOKE CITY COUNCIL MEETING WILL RECONVENE AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W.



***JOINT MEETING
CITY COUNCIL/CITY PLANNING COMMISSION***

5:00 p.m.

***EMERGENCY OPERATIONS CENTER
CONFERENCE ROOM***

- 1. Welcome/Opening Remarks. Mayor Smith.**
- 2. Invocation.**

Dinner

- 3. Presentation of 2001 Annual Report. Mr. Manetta.**
- 4. Discussion with regard to the Zoning Ordinance. Mr. Manetta.**
- 5. Discussion issues by City Council/City Planning Commission.**

**THE CITY COUNCIL MEETING WILL BE DECLARED IN RECESS
TO BE RECONVENED AT 7:00 P. M., IN THE CITY COUNCIL
CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL
BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.**



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***February 19, 2002
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

Call to Order -- Roll Call.

The Invocation will be delivered by Council Member C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Tonight's meeting will be taped by RVTV Channel 3 to be replayed on Thursday, February 21, 2002, at 7:00 p.m., and Saturday, February 23, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

1. Public hearing to consider an amendment of Vision 2001-2020, the adopted Comprehensive Plan for the City of Roanoke, Virginia, dated August 20, 2001, to include Outlook Roanoke Update, an updated development plan for downtown Roanoke. Robert B. Manetta, Chair, City Planning Commission.

P. 180; R. 185

RVTV CHANNEL 3 COVERAGE OF THE COUNCIL MEETING WILL CONCLUDE.

B. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS ALSO A TIME FOR INFORMAL DIALOGUE BETWEEN COUNCIL MEMBERS AND CITIZENS. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

CITY OF ROANOKE

Proclamation

WHEREAS, *Habitat for Humanity International (HFHI) was founded in 1976 by Linda and Millard Fuller and is an ecumenical Christian housing ministry that seeks to eliminate poverty housing from the world and to make decent shelter a matter of conscience and action; and*

WHEREAS, *Habitat for Humanity in the Roanoke Valley, Inc., was founded in 1986 as an affiliate of HFHI and its mission is, "to improve the lives of God's people in need by providing quality homes in partnership with homeowners and volunteers for the enhancement of our community"; and*

WHEREAS, *since 1976, Habitat has built more than 100,000 houses in more than 80 countries and the United States; and*

WHEREAS, *Habitat for Humanity in the Roanoke Valley has provided 108 homes for 170 adults and 265 children over the last 15 years; and*

WHEREAS, *March 1-2, 2002, marks the first HFHI Central Atlantic Regional Conference to be held in the Roanoke Valley, unifying 214 affiliates in five states as they draw attention to the housing needs in the Blue Ridge and beyond; and*

WHEREAS, *the Board of Directors and Staff of Habitat for Humanity in the Roanoke Valley invite the Roanoke community to attend the Habitation service at First Baptist Church on Friday, March 1, 2002, at 7:00 p.m. to celebrate in word, worship and music the work of Habitat for Humanity in the Roanoke community and beyond.*

NOW, THEREFORE, I, *Ralph K. Smith, Mayor of the City of Roanoke, Virginia, do hereby proclaim March 1-2, 2002, throughout this great All-America City, as*

HABITAT FOR HUMANITY DAYS.

Given under our hands and the Seal of the City of Roanoke this nineteenth day of February in the year two thousand and two.

ATTEST:



Mary F. Parker
City Clerk

Ralph K. Smith
Mayor

C-1

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

December 17, 2001

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, December 17, 2001, at 2:00, the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members W. Alvin Hudson, Jr., C. Nelson Harris, William D. Bestpitch, William White, Sr., William H. Carder, Linda F. Wyatt and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Dr. James W. Austin, Senior Pastor, First Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

ACTS OF ACKNOWLEDGEMENT-DOWNTOWN ROANOKE, INCORPORATED: Inasmuch as R. Matthew Kennell, President, Downtown Roanoke, Inc., will resign his position, effective December 21, 2001, Mr. Hudson offered the following resolution expressing appreciation for his service since May, 1994.

(#35684-121701) A RESOLUTION paying tribute to R. Matthew Kennell upon his resignation as President of Downtown Roanoke, Inc., effective December 21, 2001, and expressing to him the appreciation of this City and its people for his exemplary service.

(For full text of Resolution, see Resolution Book No. 65, page 318.)

Mr. Hudson moved the adoption of Resolution No. 35684-121701. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

The Mayor presented a ceremonial copy of the above referenced measure and a gold star paper weight to Mr. Kennell.

PROCLAMATIONS: : The Mayor presented a proclamation declaring Saturday, December 8, 2001, as Roanoke Allstars - 1951 Santa Claus Bowl Reunion Day in the City of Roanoke.

Dean Price representing the Roanoke All-Stars-1951 National Midget Football Champions, offered to work with the City in connection with the donation and display of trophies and wearing apparel from the 1951 championship game.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He advised that there were three requests for Closed Session.

MINUTES: Minutes of the regular meeting of Council held on Thursday, October 18, 2001, and recessed until Friday, October 19, 2001, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. White moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. White moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt and Mayor Smith -----7.

NAYS: None-----0.

COMMITTEES-COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss a personnel matter, specifically to conduct an interview for an appointment to the Industrial Development Authority of the City of Roanoke, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. White moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss a personnel matter, specifically to conduct an interview for an appointment to the Industrial Development Authority of the City of Roanoke, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE-COMMITTEES-COUNCIL: A communication from Council Member C. Nelson Harris, Chair, Roanoke City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss appointment of a new Director of Finance, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. White moved that Council concur in the request of Council Member Harris to convene in a Closed Meeting to discuss appointment of a new Director of Finance, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

MUNICIPAL AUDITOR-COMMITTEES-AUDIT COMMITTEE: Minutes of a meeting of the Audit Committee which was held on Monday, December 3, 2001, were before the body.

The following items were considered by the Audit Committee:

FINANCIAL AUDITS:

KPMG June 30, 2001 Reports:

City of Roanoke Letter of Recommendations on Procedures and Controls

City of Roanoke Report to the Audit Committee

City of Roanoke Pension Plan Letter to the Pension Committee

City of Roanoke Independent Accountant's Report on Applying Agreed-Upon Procedures

PERFORMANCE AUDITS:

Fire-EMS-Fuel Management

Information Center

Facilities Management

Fleet Management

Police Department D.A.R.E. Account

School Board Engagement Letter

School Board Annual Audit Plan for FY2002

Update on City's Audit Plan

Briefing on Audit Department's Website

Mr. White moved that the Minutes be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

BUSES-MUNICIPAL AUDITOR-AUDIT COMMITTEE: Minutes of a meeting of the Greater Roanoke Transit Company Audit Committee which was held on Monday, December 3, 2001, were before the body.

The following items were considered by the Greater Roanoke Transit Company Audit Committee:

FINANCIAL AUDITS - KPMG Reports:

GRTC - Transit Operation Financial Statements - 6/30/01 and 2000
 GRTC - Report to Board of Directors - 6/30/01
 Southwestern Virginia Transit Management Company, Inc. Retirement Plan Financial Statements and Schedules - 12/31/00 and 1999
 Southwestern Virginia Transit Management Co., Inc. Retirement Plan - Letter to Pension Committee - 12/31/00

Mr. White moved that the Minutes be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE-COMMITTEES-HOTEL ROANOKE CONFERENCE CENTER: A communication from James D. Grisso, Director of Finance, tendering his resignation as a Commissioner of the Hotel Roanoke Conference Center Commission, effective January 31, 2002, was before the body.

Mr. White moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-LIBRARIES: A communication from the City Clerk advising of the resignation of Eugene Wirt, Jr., as a member of the Roanoke Public Library Board, effective immediately, was before the body.

Mr. White moved that the communication be received and filed, and that the resignation be accepted. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt
and Mayor Smith-----7.

NAYS: None-----0.

ELECTIONS: A communication from Gilbert E. Butler, Jr., Secretary, Roanoke City Electoral Board, transmitting a certified copy of the following Abstracts of Votes cast in the General Election held in the City of Roanoke on November 6, 2001, was before the Council:

ABSTRACT OF VOTES

cast in the _____ City of Roanoke _____, Virginia,
at the November 6, 2001 General Election, for:

GOVERNOR

NAMES OF CANDIDATES WITH PARTY ID AS SHOWN ON BALLOT (IN FIGURES)		TOTAL VOTES RECEIVED
<u>MARK L. EARLEY</u>	(R)	<u>9,147</u>
<u>MARK R. WARNER</u>	(D)	<u>15,348</u>
<u>WILLIAM B. REDPATH</u>	(L)	<u>204</u>
Total Write-in Votes [SEE WRITE-INS CERTIFICATION]		<u>0</u>
Total Number Of Overvotes For Office		<u>0</u>
Total Number of Undervotes For Office		<u>175</u>

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 6, 2001, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the office indicated above.

Given under our hands this 8th day of November, 2001.

A copy teste:

(Seal)	<u>S/ Carl T. Tinsley</u>	, Chairman
	<u>S/ Frances V. Garland</u>	, Vice Chairman
	<u>S/ Gilbert E. Butler, Jr.</u>	, Secretary
	<u>S/ Gilbert E. Butler, Jr.</u>	, Secretary, Electoral Board

ABSTRACT OF VOTES

cast in the City of Roanoke, Virginia,
at the November 6, 2001 General Election, for:

LIEUTENANT GOVERNOR

NAMES OF CANDIDATES WITH PARTY ID AS SHOWN ON BALLOT (IN FIGURES)	TOTAL VOTES RECEIVED
<u>JAY K. KATZEN (R)</u>	<u>9,154</u>
<u>TIMOTHY M. Kaine (D)</u>	<u>14,328</u>
<u>GARY A. REAMS (L)</u>	<u>383</u>
.....
Total Write-in Votes [SEE WRITE-INS CERTIFICATION]	<u>0</u>
Total Number Of Overvotes For Office	<u>0</u>
Total Number of Undervotes For Office	<u>1,009</u>

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 6, 2001, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the office indicated above.

Given under our hands this 8th day of November, 2001.

A copy teste:

(Seal)

S/ Carl T. Tinsley, Chairman
S/ Frances V. Garland, Vice Chairman
S/ Gilbert E. Butler, Jr., Secretary
S/ Gilbert E. Butler, Jr., Secretary, Electoral Board

ABSTRACT OF VOTES

cast in the City of Roanoke, Virginia,
at the November 6, 2001 General Election, for:

ATTORNEY GENERAL

NAMES OF CANDIDATES WITH PARTY ID AS SHOWN ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
<u>JERRY W. KILGORE (R)</u>	<u>12,673</u>
<u>A. DONALD McEACHIN (D)</u>	<u>11,328</u>
.....
.....
Total Write-in Votes [SEE WRITE-INS CERTIFICATION]	<u>4</u>
Total Number Of Overvotes For Office	<u>0</u>
Total Number of Undervotes For Office	<u>869</u>

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 6, 2001, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the office indicated above.

Given under our hands this 8th day of November, 2001.

A copy teste:

(Seal)

S/ Carl T. Tinsley, Chairman
S/ Frances V. Garland, Vice Chairman
S/ Gilbert E. Butler, Jr., Secretary
S/ Gilbert E. Butler, Jr., Secretary, Electoral Board

WRITE-INS CERTIFICATION

ROANOKE X General Special Election
 COUNTY x CITY
Attorney General
 OFFICE TITLE November 6, 2001
 Page 1 of 1
 DISTRICT NAME OR NUMBER, IF APPLICABLE

WRITE-INS - SUMMARY	TOTAL VOTES RECEIVED [IN FIGURES]
1. Invalid Write-Ins	3
	ENTER TOTAL INVALID
2. Valid Write-Ins	1
	ENTER TOTAL VALID
3. Total Write-Ins	4
[ENTER THIS FIGURE ON LINE FOR TOTAL WRITE-IN VOTES ON ABSTRACT FOR THIS OFFICE.]	ADD LINES 1 AND 2

VALID WRITE-INS - DETAIL

LIST VALID WRITE-INS IN ALPHABETICAL ORDER BELOW AND ON
 CONSTRUCTION PAGES, AS NEEDED. ALL VALID WRITE-INS
 WHEN ADDED TOGETHER MUST EQUAL TOTAL ENTERED ON
 LINE 2 ABOVE.

	TOTAL VOTES RECEIVED (In Figures)
<u>John Edwards</u>	1
.....	
.....	
.....	
.....	

We, the undersigned Electoral Board, upon examination of the official records deposited with the
 Clerk of the Circuit Court of the election held on November 6, 2001, do hereby certify that, with the
 continuation pages indicated, the above is a true and correct certification of the write-in votes cast
 at said election for the office indicated above.

Given under our hands this 8th day of November, 2001.

A copy teste:

(Seal) S/ Carl T. Tinsley, Chairman
S/ Frances V. Garland, Vice Chairman
S/ Gilbert E. Butler, Jr., Secretary
S/ Gilbert E. Butler, Jr., Secretary, Electoral Board

ABSTRACT OF VOTES

cast in the City of Roanoke, Virginia,
at the November 6, 2001 General Election, for:

MEMBER
HOUSE OF DELEGATES
11TH
ENTER DISTRICT NUMBER

NAMES OF CANDIDATES WITH PARTY ID AS SHOWN ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
<u>Clifton A. "Chip" Woodrum</u>	<u>9,139</u>
.....
.....
.....
Total Write-in Votes [SEE WRITE-INS CERTIFICATION]	<u>4</u>
Total Number Of Overvotes For Office	<u>0</u>
Total Number of Undervotes For Office	<u>4,923</u>

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 6, 2001, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the office indicated above.

Given under our hands this 8th day of November, 2001.

A copy teste:

(Seal)

S/ Carl T. Tinsley, Chairman
S/ Frances V. Garland, Vice Chairman
S/ Gilbert E. Butler, Jr., Secretary
S/ Gilbert E. Butler, Jr., Secretary, Electoral Board

WRITE-INS CERTIFICATION

ROANOKE X General Special Election
 COUNTY x CITY
Member House of Delegates November 6, 2001
 OFFICE TITLE
11th Page 1 of 1
 DISTRICT NAME OR NUMBER, IF APPLICABLE

WRITE-INS - SUMMARY	TOTAL VOTES RECEIVED [IN FIGURES]
1. Invalid Write-Ins	<u>4</u>
	ENTER TOTAL INVALID
2. Valid Write-Ins	<u>0</u>
	ENTER TOTAL VALID
3. Total Write-Ins	<u>4</u>
[ENTER THIS FIGURE ON LINE FOR TOTAL WRITE-IN VOTES ON ABSTRACT FOR THIS OFFICE.]	ADD LINES 1 AND 2

VALID WRITE-INS - DETAIL

LIST VALID WRITE-INS IN ALPHABETICAL ORDER BELOW AND ON
 CONSTRUCTION PAGES, AS NEEDED. ALL VALID WRITE-INS
 WHEN ADDED TOGETHER MUST EQUAL TOTAL ENTERED ON
 LINE 2 ABOVE.

TOTAL VOTES
RECEIVED
[IN FIGURES]

_____	_____
_____	_____
_____	_____
_____	_____

We, the undersigned Electoral Board, upon examination of the official records deposited with the
 Clerk of the Circuit Court of the election held on November 6, 2001, do hereby certify that, with the
 continuation pages indicated, the above is a true and correct certification of the write-in votes cast
 at said election for the office indicated above.

Given under our hands this 8th day of November, 2001.

A copy teste:

(Seal)	<u>S/ Carl T. Tinsley</u>	, Chairman
	<u>S/ Frances V. Garland</u>	, Vice Chairman
	<u>S/ Gilbert E. Butler, Jr.</u>	, Secretary
	<u>S/ Gilbert E. Butler, Jr.</u>	, Secretary, Electoral Board

ABSTRACT OF VOTES

cast in the City of Roanoke, Virginia,
at the November 6, 2001 General Election, for:

MEMBER
HOUSE OF DELEGATES

17th
ENTER DISTRICT NUMBER

NAMES OF CANDIDATES WITH PARTY ID AS SHOWN ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
<u>A. Victor Thomas</u>	<u>7,345</u>
.....
.....
.....
Total Write-in Votes [SEE WRITE-INS CERTIFICATION]	<u>1</u>
Total Number Of Overvotes For Office	<u>0</u>
Total Number of Undervotes For Office	<u>3,462</u>

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 6, 2001, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the office indicated above.

Given under our hands this 8th day of November, 2001.

A copy teste:

(Seal)

S/ Carl T. Tinsley, Chairman
S/ Frances V. Garland, Vice Chairman
S/ Gilbert E. Butler, Jr., Secretary
S/ Gilbert E. Butler, Jr., Secretary, Electoral Board

WRITE-INS CERTIFICATION

ROANOKE COUNTY x CITY X General Special Election
Attorney General OFFICE TITLE November 6, 2001
 DISTRICT NAME OR NUMBER, IF APPLICABLE Page 1 of 1

WRITE-INS - SUMMARY	TOTAL VOTES RECEIVED [IN FIGURES]
1. Invalid Write-Ins	3
	ENTER TOTAL INVALID
2. Valid Write-Ins	1
	ENTER TOTAL VALID
3. Total Write-Ins	4
[ENTER THIS FIGURE ON LINE FOR TOTAL WRITE-IN VOTES ON ABSTRACT FOR THIS OFFICE.]	ADD LINES 1 AND 2

VALID WRITE-INS - DETAIL

LIST VALID WRITE-INS IN ALPHABETICAL ORDER BELOW AND ON
 CONSTRUCTION PAGES, AS NEEDED. ALL VALID WRITE-INS
 WHEN ADDED TOGETHER MUST EQUAL TOTAL ENTERED ON
 LINE 2 ABOVE.

	TOTAL VOTES RECEIVED [IN FIGURES]
<u>John Edwards</u>	1
.....	
.....	
.....	
.....	

We, the undersigned Electoral Board, upon examination of the official records deposited with the
 Clerk of the Circuit Court of the election held on November 6, 2001, do hereby certify that, with the
 continuation pages indicated, the above is a true and correct certification of the write-in votes cast
 at said election for the office indicated above.

Given under our hands this 8th day of November, 2001.

A copy teste:

(Seal)

S/ Carl T. Tinsley, Chairman
S/ Frances V. Garland, Vice Chairman
S/ Gilbert E. Butler, Jr., Secretary
S/ Gilbert E. Butler, Jr., Secretary, Electoral Board

WRITE-INS CERTIFICATION

ROANOKE X General Special Election
 COUNTY x CITY
Member House of Delegates November 6, 2001
 OFFICE TITLE
17th Page 1 of 1
 DISTRICT NAME OR NUMBER, IF APPLICABLE

WRITE-INS - SUMMARY	TOTAL VOTES RECEIVED [IN FIGURES]
1. Invalid Write-Ins	<u>1</u>
	ENTER TOTAL INVALID
2. Valid Write-Ins	<u>0</u>
	ENTER TOTAL VALID
3. Total Write-Ins	<u>1</u>
[ENTER THIS FIGURE ON LINE FOR TOTAL WRITE-IN VOTES ON ABSTRACT FOR THIS OFFICE.]	ADD LINES 1 AND 2

VALID WRITE-INS - DETAIL

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 WHEN ADDED TOGETHER MUST EQUAL TOTAL ENTERED ON
 LINE 2 ABOVE.

TOTAL VOTES
RECEIVED
[IN FIGURES]

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

We, the undersigned Electoral Board, upon examination of the official records deposited with the
 Clerk of the Circuit Court of the election held on November 6, 2001, do hereby certify that, with the
 continuation pages indicated, the above is a true and correct certification of the write-in votes cast
 at said election for the office indicated above.

Given under our hands this 8th day of November, 2001.

A copy teste:

(Seal)

S/ Carl T. Tinsley, Chairman
S/ Frances V. Garland, Vice Chairman
S/ Gilbert E. Butler, Jr., Secretary
S/ Gilbert E. Butler, Jr., Secretary, Electoral Board

ABSTRACT OF VOTES

cast in the City of Roanoke, Virginia,
at the November 6, 2001 General Election, for:

COMMONWEALTH'S ATTORNEY

NAMES OF CANDIDATES WITH PARTY ID AS SHOWN ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
<u>Donald S. Caldwell</u>	<u>18,349</u>
.....	
.....	
.....	
Total Write-in Votes [SEE WRITE-INS CERTIFICATION]	<u>3</u>
Total Number Of Overvotes For Office	<u>0</u>
Total Number of Undervotes For Office	<u>6,522</u>

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 6, 2001, do hereby certify that the above is a true and correct Abstract of Votes cast at said election and do, therefore, determine and declare that the following person has received the greatest number of votes cast for the above office in said election:

Donald S. Caldwell

Given under our hands this 8th day of November, 2001.

A copy teste:

(Seal)

S/ Carl T. Tinsley, Chairman
S/ Frances V. Garland, Vice Chairman
S/ Gilbert E. Butler, Jr., Secretary
S/ Gilbert E. Butler, Jr., Secretary, Electoral Board

WRITE-INS CERTIFICATION

ROANOKE X General Special Election
COUNTY x CITY
Commonwealth's Attorney
OFFICE TITLE November 6, 2001

Page 1 of 1

DISTRICT NAME OR NUMBER, IF APPLICABLE

WRITE-INS - SUMMARY

TOTAL VOTES
RECEIVED
[IN FIGURES]

1. Invalid Write-Ins	3
	ENTER TOTAL INVALID
2. Valid Write-Ins	0
	ENTER TOTAL VALID
3. Total Write-Ins	3
[ENTER THIS FIGURE ON LINE FOR TOTAL WRITE-IN VOTES ON ABSTRACT FOR THIS OFFICE.]	ADD LINES 1 AND 2

VALID WRITE-INS - DETAIL

LIST VALID WRITE-INS IN ALPHABETICAL ORDER BELOW AND ON
CONSTRUCTION PAGES, AS NEEDED. ALL VALID WRITE-INS
WHEN ADDED TOGETHER MUST EQUAL TOTAL ENTERED ON
LINE 2 ABOVE.

TOTAL VOTES
RECEIVED
[IN FIGURES]

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 6, 2001, do hereby certify that, with the continuation pages indicated, the above is a true and correct certification of the write-in votes cast at said election for the office indicated above.

Given under our hands this 8th day of November, 2001.

A copy teste:

(Seal)

S/ Carl T. Tinsley, Chairman
S/ Frances V. Garland, Vice Chairman
S/ Gilbert E. Butler, Jr., Secretary
S/ Gilbert E. Butler, Jr., Secretary, Electoral Board

ABSTRACT OF VOTES

cast in the City of Roanoke, Virginia,
at the November 6, 2001 General Election, for:

SHERIFF

NAMES OF CANDIDATES WITH PARTY ID AS SHOWN ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
<u>Octavia L. Johnson</u>	<u>9,278</u>
<u>George M. McMillan</u>	<u>13,857</u>
.....
.....
Total Write-in Votes [SEE WRITE-INS CERTIFICATION]	<u>0</u>
Total Number Of Overvotes For Office	<u>0</u>
Total Number of Undervotes For Office	<u>1,739</u>

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 6, 2001, do hereby certify that the above is a true and correct Abstract of Votes cast at said election and do, therefore, determine and declare that the following person has received the greatest number of votes cast for the above office in said election:

George M. McMillan

Given under our hands this 8th day of November, 2001.

A copy teste:

(Seal)

S/ Carl T. Tinsley, Chairman
S/ Frances V. Garland, Vice Chairman
S/ Gilbert E. Butler, Jr., Secretary
S/ Gilbert E. Butler, Jr., Secretary, Electoral Board

ABSTRACT OF VOTES

cast in the City of Roanoke, Virginia,
at the November 6, 2001 General Election, for:

COMMISSIONER OF REVENUE

NAMES OF CANDIDATES WITH PARTY ID AS SHOWN ON BALLOT (IN FIGURES)	TOTAL VOTES RECEIVED
<u>J. Patrick H. Green</u>	<u>7,762</u>
<u>Sherman A. Holland</u>	<u>14,325</u>
.....	
.....	
Total Write-in Votes [SEE WRITE-INS CERTIFICATION]	<u>1</u>
Total Number Of Overvotes For Office	<u>0</u>
Total Number of Undervotes For Office	<u>2,786</u>

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 6, 2001, do hereby certify that the above is a true and correct Abstract of Votes cast at said election and do, therefore, determine and declare that the following person has received the greatest number of votes cast for the above office in said election:

Sherman A. Holland

Given under our hands this 8th day of November, 2001.

A copy teste:

(Seal)

S/ Carl T. Tinsley, Chairman
S/ Frances V. Garland, Vice Chairman
S/ Gilbert E. Butler, Jr., Secretary
S/ Gilbert E. Butler, Jr., Secretary, Electoral Board

WRITE-INS CERTIFICATION

ROANOKE X General Special Election
COUNTY x CITY
Commissioner of Revenue November 6, 2001
OFFICE TITLE
Page 1 of 1
DISTRICT NAME OR NUMBER, IF APPLICABLE

WRITE-INS - SUMMARY

1. Invalid Write-Ins	1	
	ENTER TOTAL INVALID	
2. Valid Write-Ins	0	
	ENTER TOTAL VALID	
3. Total Write-Ins	1	
[ENTER THIS FIGURE ON LINE FOR TOTAL WRITE-IN VOTES ON ABSTRACT FOR THIS OFFICE.]	ADD LINES 1 AND 2	

VALID WRITE-INS - DETAIL

LIST VALID WRITE-INS IN ALPHABETICAL ORDER BELOW AND ON CONSTRUCTION PAGES, AS NEEDED. ALL VALID WRITE-INS WHEN ADDED TOGETHER MUST EQUAL TOTAL ENTERED ON LINE 2 ABOVE.

TOTAL VOTES RECEIVED
[IN FIGURES]

_____	_____
_____	_____
_____	_____
_____	_____

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 6, 2001, do hereby certify that, with the continuation pages indicated, the above is a true and correct certification of the write-in votes cast at said election for the office indicated above.

Given under our hands this 8th day of November, 2001.

A copy teste:

(Seal)

S/ Carl T. Tinsley, Chairman
S/ Frances V. Garland, Vice Chairman
S/ Gilbert E. Butler, Jr., Secretary
S/ Gilbert E. Butler, Jr., Secretary, Electoral Board

ABSTRACT OF VOTES

cast in the City of Roanoke, Virginia,
at the November 6, 2001 General Election, for:

TREASURER

NAMES OF CANDIDATES WITH PARTY ID AS SHOWN ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
<u>David C. Anderson</u>	<u>19,758</u>
.....
.....
.....
Total Write-in Votes [SEE WRITE-INS CERTIFICATION]	<u>4</u>
Total Number Of Overvotes For Office	<u>0</u>
Total Number of Undervotes For Office	<u>5,112</u>

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 6, 2001, do hereby certify that the above is a true and correct Abstract of Votes cast at said election and do, therefore, determine and declare that the following person has received the greatest number of votes cast for the above office in said election:

David C. Anderson

Given under our hands this 8th day of November, 2001.

A copy teste:

(Seal)

S/ Carl T. Tinsley, Chairman
S/ Frances V. Garland, Vice Chairman
S/ Gilbert E. Butler, Jr., Secretary
S/ Gilbert E. Butler, Jr., Secretary, Electoral Board

WRITE-INS CERTIFICATION

ROANOKE X General Special Election
COUNTY x CITY

Treasurer November 6, 2001
OFFICE TITLE

Page 1 of 1

DISTRICT NAME OR NUMBER, IF APPLICABLE

WRITE-INS - SUMMARY

1. Invalid Write-Ins	<u>3</u>	TOTAL VOTES RECEIVED [IN FIGURES]
2. Valid Write-Ins	<u>1</u>	ENTER TOTAL INVALID
3. Total Write-Ins	<u>4</u>	ENTER TOTAL VALID
[ENTER THIS FIGURE ON LINE FOR TOTAL WRITE-IN VOTES ON ABSTRACT FOR THIS OFFICE.]		ADD LINES 1 AND 2

VALID WRITE-INS - DETAIL

LIST VALID WRITE-INS IN ALPHABETICAL ORDER BELOW AND ON CONSTRUCTION PAGES, AS NEEDED. ALL VALID WRITE-INS WHEN ADDED TOGETHER MUST EQUAL TOTAL ENTERED ON LINE 2 ABOVE.

TOTAL VOTES RECEIVED [IN FIGURES]

<u>Frank Smith</u>	<u>1</u>
.....	
.....	
.....	
.....	

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 6, 2001, do hereby certify that, with the continuation pages indicated, the above is a true and correct certification of the write-in votes cast at said election for the office indicated above.

Given under our hands this 8th day of November, 2001.

A copy teste:

(Seal) S/ Carl T. Tinsley, Chairman
S/ Frances V. Garland, Vice Chairman
S/ Gilbert E. Butler, Jr., Secretary
S/ Gilbert E. Butler, Jr., Secretary, Electoral Board

Mr. White moved that the communication be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

ZONING-ROANOKE NEIGHBORHOOD PARTNERSHIP STEERING COMMITTEE-OATHS OF OFFICE-COMMITTEES: The following reports of qualification were before Council:

Charles W. Hancock, Jr., as a member of the Roanoke Neighborhood Partnership Steering Committee for a term ending November 30, 2002; and

Philip H. Lemon as a member of the Board of Zoning Appeals to fill the unexpired term of J. Clayton Grogan, resigned, ending December 31, 2003.

Mr. White moved that the reports of qualification be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: None.

PETITIONS AND COMMUNICATIONS:

BLUE RIDGE BEHAVIORAL HEALTHCARE-BLUE RIDGE COMMUNITY SERVICES: William Lee, Chair, Blue Ridge Behavioral Healthcare, presented program highlights for the period July 1, 2000 - June 30, 2001. He advised that in fiscal year 2001, Blue Ridge Behavioral Healthcare staff delivered 316,871 units of service to 10,582 Roanoke residents, at a value of \$11,214,594.00; the City's fiscal year 2001 local tax contribution to agency operations was \$389,708.00, which means that Roanoke City residents received \$28.78 worth of services for each tax dollar allocated to the Community Services Board.

He reviewed the following examples of how Blue Ridge Behavioral Healthcare is working for the City of Roanoke:

Assessment and Counseling Services provide the single gateway to agency services, crisis response, comprehensive assessment and short-term interventions for all mental disabilities.

Child and Family Services provide a continuum of prevention, early intervention, and therapeutic services and support for families with children who are at risk of developing, or who have serious emotional disorders, mental retardation and substance abuse disorders.

Community Support Services provide the necessary services and support to consumers with long-term mental disabilities to maximize each individual's potential for independence, improved quality of life and optimum level of functioning.

Ms. Wyatt commended Blue Ridge Behavioral Healthcare for addressing the needs of citizens of the Roanoke Valley and responding with compassion and caring. She stated that sometimes it is necessary to look beyond the way things have always been done to the way things should be done in order to do the right thing.

Without objection by Council, the Mayor advised that the briefing would be received and filed.

ANNUAL REPORTS-DOWNTOWN ROANOKE, INCORPORATED: Don J. Harrison, Chair, Downtown Roanoke, Inc. presented the Annual Report of Downtown Roanoke Inc. He called attention to the following successes during the past year:

The relocation of the Downtown Roanoke, Inc. office to its new location on the Roanoke City Market which brings the organization closer to those that it serves on a daily basis.

"Big Lick", the new sidewalk cleaning machine.

Update of the Outlook Downtown Roanoke Plan which was completed by Urban Design Associates, focusing on development and continuing revitalization of the downtown area.

The Norfolk & Western Passenger Station which will be converted to a museum for development.

Grand opening of Frankie Rolens Steak House, the Roanoke Higher Education Center, Shaftman Performance Hall, Daily Grind Coffee House, 611 Steak House, Qusinow's, Family Service building, and American Express.

Mr. Harrison advised that Downtown Roanoke, Inc., is appreciative of its partnership with the City of Roanoke, renewal of the agreement to manage the Downtown Service District for another five years, and renewal of the contract to manage the Farmers' Market. He expressed appreciation for the approval of the bond issue which will bring about positive events for the City and especially its downtown area, including the amphitheater/stadium and the civic center renovation and expansion project.

Without objection by Council, the Mayor advised that the briefing would be received and filed.

COMPLAINTS-HOUSING/AUTHORITY: Dr. Jeanette D. Manns, Co-Chair, Washington Park Neighborhood Alliance, introduced Ms. Bessie Bond, representing residents of the Lincoln Terrace community, to present certain concerns.

Ms. Bond advised that residents of Lincoln Terrace request the installation of screen doors on their housing units for safety purposes, and clothes lines in their backyards, since housing units do not have washing/drying facilities.

Dr. Manns presented copy of a petition signed by approximately 56 residents of Lincoln Terrace in support of installation of screen doors on housing units.

Ms. Helen E. Davis, 35 Patton Avenue. N. E., appeared before Council in support of the request of Lincoln Terrace residents. She called attention to a meeting in which officials of the Roanoke Redevelopment and Housing Authority advised that screen doors would not be installed. She stated that there is a trend that certain persons represent Lincoln Terrace residents, however, those persons do not represent all occupants of Lincoln Terrace. She spoke in support of the request for installation of screen doors and windows.

Mr. Bestpitch advised that there appears to be a lack of communication between Lincoln Terrace residents and the Roanoke Redevelopment and Housing Authority; whereupon, he enlisted the help of Council Member Harris, Council's liaison to the Roanoke Redevelopment and Housing Authority, to emphasize options regarding the provision of screen doors. He stated that staff of the Housing Authority indicate that it would cost approximately \$45,000.00 to install screen doors on all Lincoln Terrace units; when considering the total budget for improvements at Lincoln Terrace, \$45,000.00 is approximately one-tenth of one per cent of the total cost to be invested in the area, which, in the context of the total project as a whole is a reasonable request on the part of residents.

Mr. White advised that if there is a consensus that residents are desirous of having screen doors, he would support their request and ask that the City Manager work with officials of the Roanoke Redevelopment and Housing Authority to identify funds.

The City Manager advised that she would confer with the Executive Director of the Roanoke Redevelopment and Housing Authority for a clarification on the intent of the Housing Authority, and funding issues will be addressed.

Ms. Wyatt requested that the City Manager also inquire about the installation of clothes lines for housing units.

COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP: Council Member William D. Bestpitch, Council Liaison, Roanoke Neighborhood Partnership Steering Committee, presented a communication advising that since the Neighborhood Partnership is now 21 years old and extensive restructuring has occurred recently within City government, a review of the design, role, and responsibilities of the Steering Committee is in order; the Roanoke Neighborhood Partnership has grown to 26 neighborhood groups and two business associations; three additional neighborhood groups are forming, and greater effort has been placed upon involving youth and the business community; and while the Partnership maintains its tradition of working closely with volunteers, training and developing neighborhood leaders, administering and managing community development grants, and serving as a liaison between neighborhoods and City government, there have been other significant changes which suggest that a review is needed, i.e.:

There is a newly created Department of Housing and Neighborhood Services, of which the Neighborhood Partnership is a part. Previously the Partnership was part of the Planning Department and reported to the Director. Greater emphasis is being placed on service delivery to the neighborhoods by all City departments.

The Coordinator's role has expanded. Effective August 1, 2001, the Coordinator's internal responsibilities include management of the staff and overall operation of the Citizen's Service Center, administration of the Respond database, and training for City departments on the use of Respond. The City now looks to the Partnership to play a key role in quality assurance.

All Partnership staff positions are fully funded by the City. The City has adopted the Partnership as one of its institutions.

In summary, Mr. Bestpitch pointed out that the role of the Partnership within City government has changed; the Partnership has an expanded internal customer base represented by various departments within City government who now look to the Partnership for feedback, assistance, and leadership in responding to community issues; at the same time, the demand from the community for training, support, mediation, and advocacy has increased; the primary function of the Steering Committee has been working closely with Partnership staff to cultivate a "partnership" between the City and the community to address these needs; and the question is how best to assist the Steering Committee so that the Partnership remains strong and community needs are met.

Mr. Bestpitch moved that Council concur in the appointment of an ad hoc, committee composed of two members of City Council, two members of the City staff, and three members of the current Roanoke Neighborhood Partnership Steering Committee to receive the structure and role of the Roanoke Neighborhood Partnership Steering Committee. The motion was seconded by Mr. Carder.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., raised the following questions:

Are members of the Roanoke Neighborhood Partnership Steering Committee considered to be employees of the City of Roanoke?

If so, would the City's hiring policy be applicable to those persons?

How has the role of the Neighborhood Partnership Coordinator been expanded?

Will recommendations of the Study Committee be reported publicly prior to implementation by the City?

Mr. Bestpitch requested that the remarks of Ms. Bethel be referred to the City Manager for response.

The motion offered by Mr. Bestpitch, seconded by Mr. Carder, was unanimously adopted.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS:

CITY GOVERNMENT: The City Manager introduced a briefing on the City of Roanoke Citizens Survey 2001. She introduced Susan Walton, representing The Virginia Tech Center for Survey Research, to present a summary of the findings.

Ms. Walton advised that the methodology used in conducting the survey included random sampling design, survey instrument capability, survey pre-test, survey administration via telephone, and 505 completed telephone interviews were conducted during the period of September 24 - October 1, 2001.

Highlights of the survey include the following:

Government Initiatives:

Expansion of cooperative efforts with other local governments: up 12 per cent to 71 per cent

Services worth taxes paid by citizens: up 9 per cent to 75 per cent

Government can be trusted to do what is in the best interest of citizens: up 6 per cent to 69 per cent

Government is "very" or "somewhat" effective in meeting community needs: up 1 per cent to 80 per cent

Government performance is improving in Roanoke: up 3 per cent to 76 per cent.

Percentage Rating of Services As Excellent/Good:

Fire Protection (91)
 Emergency & Rescue (90)
 Public Library Services (83)
 911 Emergency Call Center (76)
 Beautification Programs (76)
 Weekly Trash Collection (76)
 Police Services (74)
 Water Utility Services (74)
 Recycling Services (71)
 Sewer Utility Services (70)
 Civic Center Events (69)
 Convenience of Paying Bills (68)
 Recreation Facility Maint. (68)
 Large Item/Brush Pick-Up (67)
 Street Lighting (66)
 Mowing Govt. Property (64)

Recreation Programs (64)
 Leaf Collection (63)
 Cultural Activities/Events (62)
 Health Department (62/81)*
 Animal Control (61)
 Disaster/Emergency Mgt. (61/80)*
 Information to Citizens (61)
 Snow/Ice Removal (61)
 Govt. Building Maint. (56)
 Valley Metro Bus System (56/77)*
 Public Schools (55)
 Parking at Civic Center (54)
 Neighborhood Org. Support (53)
 Street Sweeping (53)
 Storm Drainage System Maint. (51)
 Street Paving and Repair (51)
 Traffic Planning (49)
 Response to Citizen Complaints (45)
 Govt. Parking Facilities (43)
 Building Inspections (42/62)*
 Economic Development Assistance (42/62)*
 Curbs/Gutter/Sidewalks (41)
 Regulation/Zoning Land Use (37/55)*
 Weed Abatement (37)
 Building Permit Process (34/61)*
 Keeping Alleys Clean (33)

Services With the Highest Mean Rankings, Excluding "Don't Know"
Responses (Mean Rating of "Good - Excellent"):

Fire Protection
 Emergency and Rescue
 Public Library
 911 Emergency Center
 Health Department
 Emergency Management
 Beatification Programs
 Valley Metro
 Water Utility Services
 Weekly Trash Collection

**Services with Lowest Mean Rankings Excluding "Don't Know" Responses
(Mean Rating of "Good):**

Keeping Alleys Clean
Weed Abatement
Government Parking Facilities
Curb, Gutter, Sidewalk Repair
Response to Citizen Complaints
Street Paving and Repair
Regulation/Zoning for Land Use
Traffic Planning
Street Sweeping
Civic Center Parking

2000-01 Increases in Service Ratings:

Civic Center Parking - 6.5 per cent
Pick up of Large Items/Brush - 6.1 per cent
Recycling Services - 5.2 per cent

2000-01 Decreases in Service Ratings:

Government Parking Facilities - 14.2 per cent
Weekly Trash Collection - 10.4 per cent
Public Schools - 8.9 per cent
911 Call Center - 6.7 per cent
Curb, Gutter and Sidewalk Repair - 6.5 per cent
Snow and Ice Removal - 6.3 per cent
Animal Control - 6.2 per cent
Street Lighting - 6.2 per cent
Sewer Utility Services - 6.0 per cent
Convenience of Paying Bills - 5.4 per cent
Emergency/Disaster Management - 5.2 per cent
Health Department - 4.9 per cent
Emergency and Rescue - 1.5 per cent

Opinions Regarding Customer Service 2000-01 Comparison:

Government employees are generally friendly, courteous and helpful:
up 1 per cent to 88 per cent.

It is easy to contact the appropriate government office when you need
a particular service or have a question: down 1 per cent to 71 per cent.

Government employees provide prompt service: up 3 per cent to 77 per
cent.

Government employees treat citizens fairly: remained the same at 79 per cent

Convenient parking at government offices is generally available: up 4 per cent to 44 per cent.

Government office locations are convenient: up 6 per cent to 75 per cent

Government office hours are convenient: up 2 per cent to 78 per cent

Top Attributes Cited As Most Favored By Respondents in Rank Order:

Convenience of Living in the City of Roanoke/Activities
Quality of Life
People
Cost of Living
Educational Opportunities
Effective Government/Government Services

Respondents were requested to answer the following questions:

What method of communication do you prefer for receiving the City of Roanoke government information?

What do you like most about living in the City of Roanoke?

Following discussion, questions and comments by the Members of Council, without objection by Council, the Mayor advised that the briefing would be received and filed.

FIRE DEPARTMENT-EMERGENCY MEDICAL SERVICES: The City Manager introduced a briefing on the Fire/EMS ISO (Insurance Service Office) rating change; whereupon, she called upon Fire Chief James Grigsby to present the briefing.

Chief Grigsby advised that the Insurance Service Office (ISO) is an independent organization that serves insurance companies by providing information about a community's fire risk; each community is rated from a Class 1 (exemplary) to a Class 10 (does not meet minimum criteria) scale; virtually all United States insurers of homes and business property use ISO's Public Protection Classification in calculating premiums; and better fire protection, as measured by the public protection classification program, leads to lower fire losses.

He stated that ISO's Public Protection Classification Program accurately measures the quality of public fire protection in 45,000 fire districts across the country: three areas are evaluated under the ISO classification system: the Fire-EMS Department, including equipment, staffing, training and geographic distribution of fire companies; Water Supply System, including validating the condition and maintenance of hydrants, and a careful evaluation of the amount of available water compared with the amount needed to suppress fires; and the E-911 Center, including validating telephone systems, telephone lines, staffing, and dispatching.

Chief Grigsby advised that Roanoke Fire-EMS is pleased to announce that the Insurance Service Office has reclassified the City of Roanoke as a "Class 2 City, which improved rating is the culmination of a three-year preparation period for a review of the Fire-EMS Department, Water Supply System, and E-911 Center. He stated that the Class 2 rating is an upgrade from Roanoke's 1990 classification as a Class 3 City; major areas of improvement made during this time period to attain the higher classification include: fire apparatus purchase and distribution, training, records management, additional hydrants installed throughout the City, fire preplanning of City businesses, and addition of the Computer Aided Dispatch System and 800 MHz system in the E-911 Center.

For the citizens of Roanoke, he explained that this improved rating means a safer City in which to live and work, a City that is better prepared to handle fire emergencies, fire insurance premiums may be reduced or will not increase as fast, marketing the City from an economic development standpoint, and ISO rating will be used as a tool for future plans (i.e.: water mains and hydrant location, fire training, etc.. He explained that a Class 2 rating is good for ten years and with proper planning, Roanoke could achieve a Class 1 rating in ten to twenty years, and Fire-EMS will analyze each area of department operations to determine if changes are needed to provide the level of service and to achieve a higher ISO rating.

Mr. Martin Jeffrey, 3912 Hyde Park Drive, S. W., Roanoke County, expressed appreciation for the work of the City's public safety personnel. He stated that the local fire association does not agree with all of the conclusions of the Fire Chief and the direction of the Fire Department in regard to significant proposed changes. He added that while Roanoke may be in line to receive a Class 2 ISO rating, implications of the changes could have a devastating effect on the ISO rating in the future and on insurance rates of homeowners; therefore, he encouraged Council to think long range and not be shortsighted. He advised that the proposed changes have potentially significant equipment and staffing implications, and suggested that an insurance expert be called upon to review potential implications since there could be additional criteria that insurance companies use, separate and apart from the ISO rating. He also suggested that firefighters be invited to provide their input, and there should be a city-wide public hearing on proposed changes, particularly as they relate to staffing and equipment and long term implications on insurance rates.

Carl D. Cooper, 2020 Carroll Avenue, N. W., Chair, Public Service Task Team for the Comprehensive Plan, advised that the Task Team reviewed police, fire, solid waste and environmental issues and was charged with the responsibility of forwarding recommendations to be considered in the Comprehensive Plan. On behalf of the Task Team, he commended the City on its achievement of a Class 2 ISO rating and noted that his remarks do not speak to any of the other issues regarding firefighting. He applauded the City's accomplishments and its efforts to be receptive to input offered by citizens who were a part of the Comprehensive Plan process.

Following discussion, comments and questions by the Members of Council, without objection by Council, the Mayor advised that the briefing would be received and filed.

ITEMS RECOMMENDED FOR ACTION:

FIRE DEPARTMENT-EMERGENCY MEDICAL SERVICES: The City Manager submitted a communication advising that the Fire-EMS Department's Strategic Business Plan is based on the mission, vision and values of the department, plus national, state and local service standards; the Plan is comprehensive in nature, covering most aspects of department operations and offering nine major recommendations, which range from routine station and equipment maintenance to relocating and constructing several fire-EMS stations; recommendations contained in the Business Plan support City Council's priorities of effective government, regional cooperation, improved neighborhood services and include a long-range perspective to service delivery; and approval of the Strategic Business Plan will support the mission, values and vision of the Roanoke Fire-EMS Department, meet community needs by providing quality Fire-EMS services, position the department to meet future community service needs, improve department performance, efficiency and cost effectiveness, help achieve and maintain a national accreditation certification, enhance regional cooperation, relocate several Fire-EMS stations, provide modern Fire-EMS stations to accommodate state-of-the-art Fire-EMS equipment, enhance employee work environments and employee safety, relocate Fire-EMS administrative offices, and avoid the cost of maintaining deteriorating Fire-EMS stations.

It was further advised that administratively, several aspects of the Plan have already been adopted and implemented, helping to improve the City's ISO (Insurance Service Office) rating from a Grade 3 to a Grade 2 category city; two aspects of the Plan that received the most comments concerned the potential loss of any positions, as well as the construction of new stations and relocation of existing service to those new locations; nothing contained in the Business Plan advocates a reduction of personnel; while there is some concern and opposition to relocating existing stations, the City Manager expressed the opinion that there is more support to provide the Fire-EMS Department with the needed infrastructure to meet current and future service needs with properly sized and located stations than there is opposition to the Plan; and construction of new stations will provide the needed

capacity to house modern firefighting equipment (several current station apparatus bays are too small for new fire pumpers and larger aerial ladder trucks), plus take advantage of recent roadway improvements permitting more efficient travel from north to south via Peters Creek Road Extension and improvements to the bridges at Second, Fifth and Tenth Streets.

It was explained that including new Station #4 (south Peters Creek Road) and the construction of three additional stations, a total of four new stations will provide services to the community by the end of the third phase of the recommended construction period; included in each new station design will be consideration of other community services, as feasible; the Strategic Business Plan allows for a reallocation, not reduction, of department personnel; the closing of Station #12 (Salem Turnpike), as approved by Council, permitted the reallocation of 12 positions; and six positions will support co-staffing the Clearbrook station in Roanoke County which will serve the 220 South/Southern Hills area of the City, and six positions for staffing one additional ambulance which will primarily serve the western/southwestern section of the City, bringing the total number of front-line ambulances to seven.

The City Manager recommended that Council approve, in concept, the Fire-EMS Department Strategic Business Plan with the three-phase construction program, as follows:

Phase 1: Construct a new Station #1 in or around the downtown area. Consolidate the present #1 (Church Avenue) and #3 (6th Street) stations into the new Station #1.

Phase II: Construct a new station in or around the Melrose Avenue area between 16th and 20th Streets. Consolidate the present #5 (12th Street and Loudon Avenue) and #9 (24th Street and Melrose) stations into the new facility.

Phase III: Construct a new station in the northern Williamson Road area. Relocate the residential component currently assigned to the Airport station to the new facility.

With approval by Council, staff will develop specific recommendations in regard to financing, station locations and land acquisitions, architectural and engineering design and community input and plans for re-use of current stations. Council action will be requested at each subsequent step of the Strategic Business Plan. Action at this time will allow for capital improvement planning.

Mr. Carder offered the following resolution:

(#35687-121701) A RESOLUTION approving the Fire-EMS Department Strategic Business Plan.

(For full text of Resolution, see Resolution Book No. 65, page 322.)

Mr. Carder moved the adoption of Resolution No. 35687-121701. The motion was seconded by Mr. White.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., advised that those fire stations which are proposed to be closed present serious concerns for some citizens of Roanoke, and further advised that the closing of Fire Station No. 12 was a tragedy. She stated that the City could do a better job of informing citizens, and public meetings are needed so that citizens will hear the same information at the same time. She asked if the City has contacted the Virginia Department of Fire Programs to conduct an evaluation of the Roanoke Fire Department in view of the seriousness of the matter. She stated that it is not fair to take fire stations out of northwest Roanoke; response time is critical and most of northwest Roanoke is composed of hilly terrain, therefore, response times will differ. She suggested the renovation of fire stations in lieu of the closing of stations.

Joyce Waugh, Vice-President, Public Policy and Strategic Issues, Roanoke Regional Chamber of Commerce, a group of 1,450 members whose goal is to advocate improvements for businesses, appeared before Council in support of the Emergency Operation Plan. She advised that public safety and fire protection could not be more important than it is today; and the Roanoke Fire/EMS proposal for assuring the highest level of service in an area of pre-hospital medical care, fire prevention, fire safety education and fire suppression is commendable. She stated that the Chamber of Commerce further supports containing costs, while effectively providing quality Fire/EMS services, relocating Fire/EMS stations to more efficiently provide improved services in the region, efforts that enhance regional cooperation, and measures that improve department performance, efficiency and cost effectiveness. She added that change is rarely easy, but often is needed to respond to changing community needs and the Chamber of Commerce looks forward to learning more about the Fire/EMS Strategic Plan as it unfolds in a effort to create a safer environment for all persons in the Roanoke region. She congratulated the City upon achieving a Class 2 ISO rating.

Ms. Perneller Wilson, 3045 Willow Road, N. W., expressed concern for the wellbeing of the citizens of the City of Roanoke who deserve four distinct services from their City, i.e.: hospitals, a fire department, a life saving crew and a police department. She stated that citizens of Roanoke are concerned about the closing of fire stations and presented the Mayor with a petition signed by homeowners, taxpayers and voters who refuse to have fire stations closed, and advocate renovation in lieu of closure. She commended the firefighters on 24th Street for the service they provide to protect and save lives.

Mr. Martin Jeffrey, 3912 Hyde Park Drive, S. W., Roanoke County, advised that if the Fire/EMS Strategic Plan is valid and if all assumptions are correct, the City should be willing to participate in public discussion including homeowners and firefighters. He stated that there are clearly staffing implications in the strategic plan and it is the responsibility of Council to explore all angles before making a decision, particularly one with such far reaching implications for life, property damage and loss. He advised that the northwest quadrant of the City has been dealing with change for years, much to its detriment as a result of shortsighted decisions and decisions made too quickly and in favor of business. He stated that there are serious implications regarding safety issues and property damage.

R. Matthew Kennell, President, Downtown Roanoke, Inc., advised that the Board of Directors of Downtown Roanoke, Inc., is supportive of the Fire Strategic Business Plan which is well prepared and addresses the overall needs of the City. He stated that Downtown Roanoke, Inc. is excited about the prospect of Fire Station No. 1 becoming a museum to celebrate the heritage of firefighting and emergency medical services in the Roanoke Valley, and about the possibility of a new fire station being located in the downtown area which will benefit not only downtown Roanoke, but the southeast quadrant of the City and other surrounding neighborhoods.

Mr. Hudson advised that he does not support the closing of fire stations, although renovation is needed on some fire facilities. He stated that he would not vote for any action that will jeopardize the safety and security of citizens.

Mr. Bestpitch advised that five old, and, in some cases, poorly located fire stations, which are inadequate to accommodate the equipment of today, are not simply being closed or eliminated, but are to be replaced with four modern up-to-date stations of adequate size to accommodate today's state of the art equipment in firefighting techniques. He called attention to road improvements that will allow vehicular equipment to move throughout the City more efficiently, improvements in communications technology which will provide the capability to process incoming calls, dispatch equipment in a faster way, and overall to provide continuing improvements in the City's ability to protect the life and property of its citizens as related to fire safety. He commended the Fire Chief on his efforts to communicate the plan in 21 different meetings to over 200 citizens. He stated that there has been significant public discussion and encouraged the Members of Council to support Fire/EMS Strategic Plan.

Ms. Wyatt advised that the Fire/ EMS Strategic Plan is the most racist proposition ever to be placed before the Council. She called attention to certain action affecting the northwest quadrant of the City with regard to neighborhood schools that were closed because it was economically feasible as a cost saving

mechanism, but when it was time to continue the process to close and consolidate elementary schools such as Fishburn Park, Raleigh Court, Grandin Court, Wasena, and Highland Park, the rules suddenly changed when it was decided that those schools were needed to stabilize the neighborhoods and the City was willing to pay the extra money. Although it was a good decision, she added that it was a decision that was reached too late for the schools in the northwest quadrant of the City. She called attention to old fire stations in the southern half of the City which are not scheduled for change; and advised that the Crystal Spring Fire Station could have been moved to Franklin Road and could have served the Southern Hills population. She stated that four fire stations: Loudon Avenue, Rorer Avenue, Salem Turnpike and 24th Street, out of the five stations to be closed, are located in the northwest quadrant of the City; and one station is proposed to be constructed, which leaves two fire stations in the entire northwest section of the City.

Resolution No. 35687-121701 was adopted by the following vote:

AYES: Council Members Harris, Bestpitch, White, Carder, and Mayor Smith-----5.

NAYS: Council Members Hudson and Wyatt-----2.

FIRE DEPARTMENT-EMERGENCY MEDICAL SERVICES: The City Manager submitted a communication advising that the City of Roanoke prepares and maintains the Emergency Operations Plan, in accordance with Section 2-126, Code of the City of Roanoke, 1979, as amended, and the Commonwealth of Virginia Emergency Services and Disaster Laws, Title 44, Chapter 3.2; Council adopted the current Plan on November 4, 1996; pursuant to the City's Local Partnership Performance Agreement, signed with the Virginia Department of Emergency Management, the Plan requires reauthorization at the end of the fifth calendar year; the Plan provides an organizational framework and response capability from which the City can respond to any type of disaster or large-scale emergency, whether the cause is natural, technological or war related; associated departments reviewed and revised the applicable sections of the Plan and said changes have been incorporated; and the Plan provides that emergency services operations be structured around existing constitutional governments and that City Council, in the event of an emergency, confer upon the City Manager, or a predetermined representative in the absence of the City Manager, the authority to act pursuant to Section 44-146.21, Declaration of local emergency.

The City Manager recommended that Council reauthorize the Emergency Operations Plan for the City of Roanoke.

Mr. Carder offered the following resolution:

(#35688-121701) A RESOLUTION readopting the Emergency Operations Plan for the City of Roanoke.

(For full text of Resolution, see Resolution Book No. 65, page 322.)

Mr. Carder moved the adoption of Resolution No. 35688-121701. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Harris, Bestpitch, White, Carder and Mayor Smith—5.

NAYS: Council Members Hudson and Wyatt-----2.

BUDGET-HUMAN DEVELOPMENT-GRANTS: The City Manager submitted a communication advising that the Virginia Department of Social Services issued a Request for Proposals to use Federal funds to provide job search, job coaching and job retention services for Temporary Assistance for Needy Families (TANF) Hard-To-Serve recipients; the City of Roanoke Department of Social Services responded to the request for proposals with a proposal outlining its intent to work collaboratively with TAP - This Valley Works to provide work-related services above listed; under the proposal, eligible TANF recipients who must obtain employment, but are not in compliance with certain regulatory requirements, will have customized job search assistance; case managers will work with these individuals to develop and initiate an individualized plan of action to meet compliance requirements and to assist in securing and maintaining employment; and the City of Roanoke was awarded \$473,411.00 in grant funding under the TANF Hard-to-Serve Project for fiscal years 2001 and 2002.

The City Manager recommended that Council authorize acceptance of the grant award, appropriate Temporary Assistance for Needy Families (TANF) funding, totaling \$473,411.00, and establish a revenue estimate of \$473,411.00 in accounts to be established by the Director of Finance.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35689-121701) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 323.)

Mr. Bestpitch moved the adoption of Ordinance No. 35689-121701. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Harris, Bestpitch, Whit, Carder, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

Mr. Bestpitch offered the following resolution:

(#35690-121701) A RESOLUTION authorizing acceptance of a grant award from the Virginia Department of Social Services under the Temporary Assistance for Needy Families (TANF) Hard-to-Serve project for fiscal years 2001 and 2002, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations and requirements pertaining thereto.

(For full text of Resolution, see Resolution Book No.65, page 324.)

Mr. Bestpitch moved the adoption of Resolution No. 35690-121701. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-DONATIONS/CONTRIBUTIONS-ARMORY/STADIUM: The City Manager submitted a communication advising that on May 21, 2001, Council authorized the City Manager to begin negotiations for acquisition of property across Orange Avenue from the Roanoke Civic Center for the purpose of constructing a multipurpose stadium/amphitheater facility; and the City has received an offer to transfer certain property described as Official Tax No. 3070318, owned by Calvin W. and Mary C. Powers and Theodore J. & Judy P. Sutton, as a gift.

The City Manager recommended that she be authorized to accept property described as Official Tax No. 3070318 as a gift to the City, and that Council adopt a resolution expressing appreciation to Calvin W. and Mary C. Powers and Theodore J. and Judy P. Sutton for their property donation.

Mr. Carder moved that the following ordinance be placed upon its first reading:

(#35691) AN ORDINANCE authorizing the City Manager's acceptance of a donation to the City of Roanoke of a parcel of land identified as Official Tax No. 3070318, and expressing appreciation to Calvin W. and Mary C. Powers and Theodore J. and Judy P. Sutton for the donation.

(Ordinance No. 35691 was adopted by Council on its second reading on Tuesday, January 22, 2002.)

The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

PUBLIC WORKS-EQUIPMENT-STREETS AND ALLEYS: The City Manager submitted a communication advising that the Capital Maintenance and Equipment Replacement Program (CMERP) has identified the need to purchase one street sweeper for Streets and Traffic; the lowest bids, submitted by Virginia Public Works Equipment Company for Base Bid and Alternate 1, took exceptions on the following requirements: vacuum dust control package, vario brush requirement, conveyor system and main broom for the sweeping system, water requirements/recommendations for dust control and high dump sweeper requirement; said exceptions are substantial and cannot be waived as informalities, therefore, bids are non-responsive; and the next lowest bid, submitted by Tennant Sales and Service Company was in the amount of \$109,750.00, and took one exception in the type of seat covering to be provided, which is considered to be an informality.

The City Manager recommended that Council accept the bid of Tennant Sales and Services Company, authorize issuance of a purchase order in the total amount of \$109,750.00, and reject all other bids received by the City.

Mr. Harris offered the following resolution:

(#35692-121701) A RESOLUTION accepting the bid of Tennant Sales and Service Company made to the City for the procurement of a street sweeper; and rejecting all other bids made to the City.

(For full text of Resolution, see Resolution Book No. 65, page 325.)

Mr. Harris moved the adoption of Resolution No. 35692-121701. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt
and Mayor Smith-----7.

NAYS: None-----0.

CITY ATTORNEY:

CITY CODE-PUBLIC ASSEMBLY: The City Attorney submitted a written report advising that from time to time, groups wish to use City property, such as parks or rights-of-way; for example, a group may wish to hold a block party on a cul-de-sac, or a parade in a street, or use a large area within a park; the current City ordinance which regulates the issuance of permits for such activities is deficient in several aspects and does not adequately address current administrative and legal needs; competing needs for the use of public property and the many issues that arise in relation to the use of public property mandate consideration of a new public assembly ordinance; the City's ability to enact a public assembly ordinance which addresses the needs of the City and the general public is constrained by constitutional protections of First Amendment activities, which include picketing or holding signs, making speeches or engaging in prayer, and distributing literature, among other activities; the United States Supreme Court and other courts have construed the First Amendment of the United States Constitution to prohibit overly broad prior restraints by government on speech, subjective evaluations of an assembly or the message being broadcast by the assembly, and actions by a government which may have a chilling effect on a group's ability to exercise its First Amendment rights.

It was further advised that the City Attorney's Office has worked closely over a considerable period of time with a team of City employees, consisting of representatives of the Police Department, the Parks and Recreation Department, the Streets and Traffic Division, and the Special Events Committee, to prepare a new public assembly ordinance and to devise a new internal system for administration of the ordinance; and representation from various City departments helped to ensure that the needs of the City and the general public were met as much as possible, given the constitutional constraints.

It was noted that a proposed ordinance requires that before any person or group, unless exempted from its provisions, assembles on a sidewalk, in a street, in a public park, or on public property, they must obtain a public assembly permit; in general, groups of under 100 persons would not need a permit to use an area within a public park (unless any temporary structures, such as a stage, are needed), and a group of under six persons would not need a permit to conduct a public meeting on a public sidewalk; the information solicited for a public assembly permit varies based upon the type of public property needed for a public assembly, but all

groups must identify the date, time location and route, if applicable, of a public assembly; the proposed ordinance also provides that the Director of the Department of Public Works issue the permit, unless the Director finds that the public assembly unduly disrupts pedestrian or vehicular traffic, interferes with the movement of fire-fighting equipment, interferes with fire or police protection of an area adjacent to a public assembly area or route, or that the public assembly conflicts, by virtue of its time or location, with another public assembly; any person or group may request that a permit be issued, even though the ordinance does not require that a permit be issued, in the event that the group wishes to ensure that it has exclusive use of an area; and finally, the proposed ordinance provides for an administrative appeal process in the event of denial.

Mr. Carder offered the following ordinance:

(#35693-121701) AN ORDINANCE amending and reordaining §20-8, Closing streets to traffic, of Chapter 20, Motor Vehicles and Traffic, and §24-89, Reservation of space or facilities for use by groups at particular time, of Chapter 24, Public Buildings and Property; repealing §24-93, Permit for parades and assemblies, of Chapter 24, Public Buildings and Property; repealing Article V, Permit for Parades or Assemblies on Street or Sidewalks, of Chapter 30, Streets and Sidewalks, of the Code of the City of Roanoke (1979), as amended; and adding new Article 5.1, to be entitled Permit for Public Assemblies, of Chapter 30, Streets and Sidewalks, of the Code of the City of Roanoke (1979), as amended, to provide for standards of a permit system for public assemblies on public streets, sidewalks and on public property; dispensing with the second reading of this ordinance; and providing for an effective date.

(For full text of Ordinance, see Ordinance Book No. 65, page 326.)

Mr. Carder moved the adoption of Ordinance No. 35693-121701. The motion was seconded by Mr. Harris.

Vice-Mayor Carder called attention to instances during Festival in the Park when the Patrick Henry Hotel was barricaded off for several hours and guests and employees had to walk from as far away as three blocks to reach the hotel. He stated that it should be taken into consideration that there are establishments that are open for business; and there should be a procedure for notification of and approval by those business owners who will be affected.

Ms. Wyatt called attention to the need to review parade procedures; i.e.: when will streets be blocked off prior to commencement of parades special events.

Ordinance No. 35693-121701 was adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, Carder, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was out of the Council Chamber when the vote was recorded.)

REPORTS OF COMMITTEES:

PARKS AND RECREATION-COMMITTEES-COMMUNITY PLANNING: A report of the City Planning Commission advising that the Department of Parks and Recreation submitted a request that the Planning Commission consider the naming of a 7.5 acre tract of land, Brown-Robertson Park, in honor of Dorothy Brown and Hazel Robertson, two individuals who were active in the Shadeland community and both lost their lives in the flood of 1985; whereupon the City Planning Commission recommended that City Council name the 7.5 acre site on Shadeland Avenue, N. W., Brown-Robertson Park.

Mr. Carder offered the following resolution:

(#35694-121701) A RESOLUTION naming a new park in the Washington Park neighborhood as Brown-Robertson Park.

(For full text of Resolution, see Resolution Book No. 65, page 334.)

Mr. Carder moved the adoption of Resolution No. 35694-121701. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, Carder, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was out of the Council Chamber when the vote was recorded.)

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting that Council approve the following appropriations, was before the body.

\$15,000.00 for the FY2001-02 Chess Program to pay for chess materials and tournament participation costs. This continuing grant program has received a private donation.

\$42,500.00 for the Blue Ridge Technical Academy Bio-Medical Career Laboratory Program. The program which has been endowed by Johnson and Johnson, Incorporated, will provide for installation and operation of a bio-medical career laboratory at the Academy. A corporate donation has been received for year one of a three-year program.

\$22,715.00 for computer network switches and transceivers at Fairview Elementary School. The requirement is being funded from an approved Literary Fund loan for the project.

\$26,960.00 for computer network switches and transceivers at Fishburn Park Elementary School. The requirement is being funded from an approved Literary Fund loan for the project.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35695-121701) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 School and School Capital Projects Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 335.)

Mr. Bestpitch moved the adoption of Ordinance No. 35695-121701. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, Carder, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was out of the Council Chamber when the vote was recorded.)

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: None.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

COUNCIL: Council Member Bestpitch advised that pursuant to the new rules of procedure for citizen participation at City Council meetings, no person who wishes to speak at a Council meeting has been denied the right to do so.

REMARKS BY THE CITY MANAGER:

FIRE DEPARTMENT: The City Manager clarified that there will be a consolidated fire station in the northwest section of the City as a result of the merger of Fire Stations 5 and 9 and the third phase of the Fire/EMS Business Plan calls for a new station on Williamson Road to address what is believed to be definite needs over the next five to seven years.

At this point, the Mayor announced that RVTv, Channel 3 coverage of the City Council meeting would conclude.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred, without objection by Council, for response, report and recommendation to Council.

FIRE DEPARTMENT- PUBLIC ASSEMBLY- COUNCIL-REFUSE COLLECTION- NEIGHBORHOOD ORGANIZATIONS-GREATER GAINSBORO PARKING GARAGE: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that the location and proposed parking for the Gainsboro Parking Garage was initially set forth by the Roanoke Neighborhood Development Corporation; however, the next time the parking garage issue was discussed, the parking garage was to be owned and operated by the City of Roanoke.

Ms. Bethel called attention to continuing problems relative to the street placement of the City's "big blue" refuse containers, and advised that certain concerns of residents have not been resolved.

In reference to the proposed closing of fire stations, Ms. Bethel, advised that some neighborhood groups have been promised the donation of the fire stations that are proposed for closure.

In regard to Ordinance No. 35693-121701 previously adopted by Council, Ms. Bethel stated that all neighborhood entities should be notified when a street is to be closed by the City.

In reference to the new citizens participation proposal at City Council meetings, Ms. Bethel stated that groups and organizations are given the opportunity to make formal presentations to Council under Item 5. Petitions and Communications, and inquired if there is a procedure in place which will permit a citizen who is not a member of a group or an organization to address Council under agenda Item 5. Petitions and Communications.

FIRE DEPARTMENT-EMERGENCY SERVICES-CITY COUNCIL: Ms. Helen E. Davis, 35 Patton Avenue, N. E., addressed the Fire/EMS Business Plan and suggested that the Virginia Department of Fire Programs be invited to conduct an evaluation of the Roanoke City Fire Department.

She also questioned the rule of Council that prohibits applauding during City Council meetings, except as a part of ceremonial matters, and advised that enforcement of the rule should be applied consistently to all persons appearing before Council.

At 5:15 p.m., the Mayor declared the Council meeting in recess to be reconvened at 5:30 p.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., for a joint meeting of Roanoke City Council and the Roanoke City School Board.

The Council meeting reconvened at 5:35 p.m., for a joint meeting of Council and the Roanoke City School Board in Room 159, Emergency Operations Center Conference Room, with Vice-Mayor William H. Carder and School Board Chair, Sherman L. Lea presiding.

COUNCIL MEMBERS PRESENT: W. Alvin Hudson, Jr., C. Nelson Harris, William D. Bestpitch, William White, Sr., Linda F. Wyatt and Vice-Mayor William H. Carder-----6.

ABSENT: Mayor Ralph K. Smith-----1.

SCHOOL TRUSTEES PRESENT: Charles W. Day, Marsha W. Ellison, Gloria P. Manns, Melinda J. Payne, Ruth C. Wilson and Chairman Sherman P. Lea-----6.

ABSENT: Brian J. Wishneff-----1.

Following dinner, the business session convened at 5:55 p.m.

SCHOOLS: Chairman Lea presented information on the Roanoke City Schools anticipated budget needs and projected financial shortfalls for fiscal year 2002-03 and beyond. He advised that in August, the School Board discussed the anticipated need for an increase of some \$3 million in the School system's operating budget

over the next several years; the recent highly publicized deficits in State revenues and the events of September 11 have altered the Board's request; and the reality of these events make it unrealistic for the Roanoke City School Board to make the same request today that the Board had previously discussed with Council.

With regard to revenue history, Mr. Lea advised that State funds have increased by over \$19 million since fiscal year 1995; average increase from fiscal year 1995 to fiscal year 2000 was \$4.6 million; increase in State funds declined by almost \$3.3 million from fiscal year 2001 to fiscal year 2002; State funding is tentatively projected to increase by less than \$500,000.00 for the fiscal year 2003; and fiscal year 2003 estimate is preliminary with the Governor's proposed biennium budget to be released later this month.

In connection with the revenue estimate, he pointed out that fiscal year revenue increase is at its lowest since fiscal year 1991 when revenue actually declined; State revenue is adversely affected by stagnant State sales tax collections and a slight decline in enrollment because of declining birth rates; the City's increase is slightly more than one half of the fiscal year 2002 increase; and Federal and the revenue is increasing as the result of growth in special education tuition and pupil transportation reimbursements.

Mr. Lea reviewed operating budget priorities; i.e.: the proposed fiscal year 2003 budget identifies three levels of budget reductions ranging from \$1 million to slightly under \$2 million in savings; the objective is to maintain direct services to the classroom and to continue the current level of class size which averages 18 to 1; last year, employee salaries increased by two per cent while neighboring localities provided a three to five per cent increase; and Roanoke's high schools are one of the few in the State with a six period day while a seventh period would improve elective options open to students.

Mr. Lea discussed operating efficiencies; i.e.: proposed budget reductions have focused on central office and support staffs; all programs and services have been reviewed to determine where savings could be achieved and still meet State and Federal mandates; consolidation of services has been analyzed to combine support services both internally and with the City; and School staff is working with the City to review the potential for the consolidation of transportation maintenance services.

With regard to maintaining educational services, he advised that health insurance costs continue to escalate, with a 15 per cent increase projected for fiscal year 2003, and the objective is to avoid passing health insurance increases on to the employee; inflation continues to increase fixed costs, particularly property and casualty insurance which is projected to increase by approximately 50 per cent; personnel lapse averages about \$500,000.00 per year because of employee retirements and resignations; and for the next four years, the net increase to maintain the current level of educational services is estimated to range from a low of \$300,000.00 to a high of \$800,000.00.

In connection with a plan to improve employee salaries, Chairman Lea advised that salaries for teachers at the midpoint of the scale are about \$750.00 lower than Roanoke County's salaries, but the City's salaries for senior teachers are approximately \$2,100.00 more than Roanoke County; elementary principal salaries at small schools are \$5,000.00 less than Roanoke County, but salaries for larger elementary, middle and high school principals are equal to County salaries; the salary plan is to raise the City's salary scale by five per cent over the next four years in addition to tier and step raises provided to employees; the objective is to increase employee salaries by an average of 4.5 to 5 per cent annually; and a minimum of \$3 million per year is required to meet the salary objective.

Mr. Lea stated that the cost to add a seventh period to the high school schedule exceeds \$1 million; because of revenue uncertainties, the high cost of the seven period day precludes its implementation in the near future, and he has recommended that its implementation be deferred until the initial phase of high school improvements is completed.

With regard to the capital plan, Chairman Lea advised that in the mid-1980's Council and the School Board worked cooperatively and made a decision not to close schools in Roanoke City; the commitment was to renovate outdated school facilities as a way to keep neighborhoods vibrant; in 1987, the School Board embarked on an ambitious renovation plan, beginning with the oldest schools, so that over time (the next two decades) all school facilities in Roanoke City would be equipped to prepare students for success. He stated that the capital improvement plan began with the renovation of the seven oldest elementary schools, with the first being completed in 1988; next, the four oldest middle schools were renovated; during this period from 1987-1998, other elementary and middle schools received major improvements such as central air conditioning, additional classrooms and two elementary schools received the addition of a gymnasium; and approximately \$95 million has been spent on capital projects since the inception of the plan in 1987. He described the following capital plan priorities beginning with the 2002 school year and beyond:

The new Roanoke Academy of Mathematics and Science will be completed by July 2003 with its capital cost shared equally with the City.

Elementary school classroom additions and air conditioning will be completed at seven schools by the summer of 2005.

High school improvements will start in the spring of 2004 at Patrick Henry High School; and projects may be phased in because of revenue constraints; and

Upgrade of technology infrastructure will occur in coordination with improvements at each school; State funds may be available to assist with technology upgrades;

Annual debt service for projects will increase by \$550,000.00 to \$750,000.00 per year for each of the next four years.

By 2005 all elementary school improvements planned in 1996 will be completed.

High school completion schedule will be finalized in 2003 based on revenue projections.

Mr. Lea advised that fiscal year budget priorities are: cost to meet the School Board's budget priorities for fiscal year 2003 includes an employee average salary raise of 4.65 per cent; and the net total cost increase is \$2.5 million which includes budget reductions of 38 personnel positions and \$525,000.00 in operating expenditures; preliminary revenue increase of \$400,000.00 will allow for only a 1.45 per cent average salary raise for employees; the net Maintenance of Services budget will decrease by over \$500,000.00 with the inclusion of \$1.5 million in budget savings; and unfunded priorities total \$2.1 million including an additional three per cent raise for employees.

Chairman Lea advised that revenue shortfall has serious long term consequences for employee salaries, capital project completion, class size and instructional program services; and standards of accreditation go into full effect in 2004 and the progress that the School system has made in meeting the new standards will be eroded.

There being no further business, the Vice-Mayor declared the Council meeting in recess at 6:35 p.m., to be recommended at 7:00 p.m., in the City Council Chamber.

On Monday, December 17, 2001, at 7:00 p.m., the Roanoke City Council reconvened in regular session in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members W. Alvin Hudson, Jr., C. Nelson Harris, William D. Bestpitch, William White, Sr., William H. Carder, Linda F. Wyatt and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Council Member C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT- POLICE DEPARTMENT: The Mayor recognized and commended Mr. Bobby Firebaugh, Mr. E. V. Gillespie and Mr. Ralph Hoskins for going above and beyond the call of duty as citizens when, on September 14, 2001, they witnessed a bank robbery at the First Union Bank in the 4200 block of Melrose Avenue. He advised that they observed the bank robber getting into a station wagon parked near the bank, they followed the vehicle to a nearby residential street and telephoned police, which helped police officers to respond and locate the suspect's car which ultimately led to an arrest. The Mayor advised that the assistance of Mr. Firebaugh, Mr. Gillespie and Mr. Hoskins enabled police officers to make a quick arrest that could have gone unsolved without their assistance.

Mr. Carder offered the following resolution:

(#35685-121701) A RESOLUTION recognizing Bobby Firebaugh, E. V. Gillespie, and Ralph Hoskins for their assistance to Roanoke police officers in the apprehension of a criminal.

(For full text of Resolution, see Resolution Book No. 65, page 319.)

Mr. Carder moved the adoption of Resolution No. 35685-121701. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

The Mayor presented Messrs. Firebaugh, Gillespie and Hoskins with a ceremonial copy of the above referenced measure and a gold star.

The Mayor also recognized and commended Mr. John Eichenberger for going above and beyond the call of duty as a citizen, when on November 8, 2001, a man entered the pharmacy area at the back of the CVS Pharmacy on Grandin Road with a shirt over his face, carrying a crowbar, and demanding drugs from the pharmacist. He stated that Mr. Eichenberger, who was a customer in the store at the time, was able to remove the crowbar from the robber's hand and restrain him with package sealing tape, which enabled the police to respond to the incident, arrest the man who was charged with attempted robbery, assault and wearing a mask in public. The Mayor advised that the bravery of Mr. Eichenberger prevented a crime from occurring.

Mr. Harris offered the following resolution:

(#35686-121701) A RESOLUTION recognizing John J. Eichenberger for his assistance to Roanoke police officers in the apprehension of a criminal.

(For full text of Resolution, see Resolution Book No. 65, page 321.)

Mr. Harris moved the adoption of Resolution No. 35686-121701. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

The Mayor presented Mr. Eichenberger with a ceremonial copy of the above referenced measure and a gold star.

PUBLIC HEARINGS:

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, December 17, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Vaughn & Jamison, LLC, to rezone three tracts of land located at the intersection of Route 419 and Keagy Road, S. W., identified as Official Tax Nos. 5130119, 5130121 and 5130122, containing 1.117 acre and 2.948 acres, from RS-1, Residential Single-Family District, to CN, Neighborhood Commercial District, and RPUD, Residential Planned Unit Development District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, November 30, 2001, and Friday, December 7, 2001.

A report of the City Planning Commission advising that the petitioner requests that a 1.117-acre portion of land in the northwest section of the development be rezoned to CN, Neighborhood Commercial District, to allow for development of a bank branch; and the remaining 2.948 acres of land to the south and east is requested for rezoning to RPUD, Residential Planned Unit Development District, for a ten-lot subdivision, was before Council.

The City Planning Commission recommended that Council approve the request for rezoning, subject to certain proffered conditions, and advised that given the adjacent land uses and zoning patterns, the subject properties are well suited for a combination of commercial and residential development and the proposed rezoning is consistent with the Comprehensive Plan; in addition, the proposed development plan and requested zoning changes provide a reasonable approach to development of the property that can be supported by the neighborhood association.

Mr. Bestpitch offered the following ordinance:

(#35696-121701) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 513, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 337.)

Mr. Bestpitch moved the adoption of Ordinance No. 35696-121701. The motion was seconded by Mr. Hudson.

The Mayor inquired if there were persons present who would like to address Council in connection with the matter.

Bob Caudle, President, Greater Roanoke Neighborhood Association, spoke in support of the request for rezoning.

There being no further speakers, Ordinance No. 35696-121701 was adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

The Mayor declared the public hearing closed.

CITY CODE-ZONING-TOWING CONTRACT: The City Clerk having advertised a public hearing for Monday, December 17, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed amendment of Section 36.1-25, Definitions, Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to amend the definition of tow truck operation to facilitate in the proper classification and location of such use and to assist in code enforcement activities pertaining to such uses, the matter was before the body.

A report of the City Planning Commission advising that on November 15, 2001, the Planning Commission voted to approve the proposed amendment and forwarded a recommendation to Council; however, since the Planning Commission's meeting, additional public comment has been received.

The City Planning Commission recommended that the City's Towing Advisory Board be informed of the proposed amendment and provided with appropriate information, and requested that the proposed amendment defining a tow truck operation be referred back to the City Planning Commission for further consideration.

Without objection by Council, the Mayor advised that the matter would be referred back to the City Planning Commission for further report to Council.

SEWERS AND STORM DRAINS-EASEMENTS-CITY PROPERTY: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, December 17, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke to convey City-owned property identified as Official Tax No. 2760603, commonly known as 4037 Vermont Avenue, N. W., on which a drainage ditch is constructed to protect adjacent properties from stormwater runoff and retaining appropriate easements or rights-of-way to maintain the drainage ditch, to the adjacent property owner, Paul L. Honaker, thereby relieving the City of Roanoke of the cost of maintaining the property and returning same to the tax base, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, November 30, 2001, and Friday, December 7, 2001.

A report of the City Manager advising that the City acquired a lot located on Vermont Avenue, N.W., Official Tax No. 2760603, to construct a drainage ditch to protect adjacent properties from stormwater runoff; an adjacent property owner Paul L. Honaker, has agreed to accept the lot with the drainage ditch, thereby relieving the City of the responsibility of maintenance and for return to the tax base; the other adjacent property owner, Vera A. Stuart, has signed a letter indicating that she is not interested in owning the lot, or a portion thereof; the lot is of no benefit to the City, may be declared surplus, conveyed to Mr. Honaker for no consideration, and retaining appropriate easements or rights-of-way to maintain the drainage ditch, as before Council.

The City Manager recommended, following the public hearing, that she be authorized to execute the appropriate documents to convey said property to Paul L. Honaker, with appropriate documents to be approved as to form by the City Attorney.

Mr. Carder offered the following ordinance:

(#35697-121701) AN ORDINANCE authorizing the City Manager to execute a deed providing for the conveyance of City-owned property located at 4037 Vermont Avenue, N. W., and identified as Official Tax No. 2760603, upon certain terms and conditions, and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 338.)

Mr. Carder moved the adoption of Ordinance No. 35697-121701. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to address Council in connection with the matter. There being none, Ordinance No. 35697-121701 was adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

The Mayor declared the public hearing closed.

ARMORY/STADIUM-CITY PROPERTY-HOSPITALS-LEASES: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, December 17, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke to lease a portion of City-owned property located at Victory Stadium to Carilion Medical Center, to provide up to a maximum of 300 parking spaces, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, November 30, 2001, and Friday, December 7, 2001.

A report of the City Manager advising that Carilion Medical Center, an affiliate of Carilion Health System, plans to construct a new addition to the Medical Center, as well as a new 1,000 occupancy parking facility; construction will create a temporary shortage of parking spaces for staff, physicians, residents, patients and visitors at the Medical Center, with construction scheduled to begin in January 2002;

Carilion has requested to lease parking at Victory Stadium for employees who will be displaced by construction projects; a minimum of 200 and a maximum of 300 parking spaces are requested for an initial period of up to two years, subject thereafter to a monthly renewal by mutual agreement of the parties; and the City has unused parking space available at Victory Stadium located on property adjacent to the footbridge connecting Wiley Drive to the grounds of Victory Stadium, was before Council.

It was further advised that a Lease Agreement has been prepared, effective January 1, 2002, specifying that Carilion Medical Center has exclusive right to the use of the leased property on business days (Monday-Friday) and during business hours (6:00 a.m. - 5:00 p.m.) for a term of up to two years; the lease may be extended on a month-to-month basis, upon mutual agreement between the City and Carilion Medical Center; the Medical Center shall pay to the City \$8.00 per month per space, or a minimum of \$1,600.00 or per month for 200 parking spaces, and if additional spaces are required, the monthly rental rate will be increased proportionately; a minimum of \$38,400.00 in estimated revenue collected from the lease agreement will be deposited in Parks and Recreation Recovered Cost Account No. 001-620-7110-8076 to be utilized for improvements to Parks and Recreation programs; the Medical Center will be responsible for maintenance of the leased property, including improvements to the lot; and the Medical Center will also provide security for the leased property and carry the appropriate amount of insurance during the lease period.

The City Manager recommended, following the public hearing, that she be authorized to execute an agreement, approved as to form by the City Attorney between the City and Carilion Medical Center for a period of two years, with monthly renewal options thereafter, and to take such further action as reasonably necessary to implement and administer said agreement.

Mr. Bestpitch offered the following ordinance:

(#35698-121701) AN ORDINANCE authorizing the City Manager to execute a lease agreement between the City of Roanoke and Carilion Medical Center for the lease of parking spaces at Victory Stadium, and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 339.)

Mr. Bestpitch moved the adoption of Ordinance No. 35698-121701. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to address Council in connection with the matter. There being none, Ordinance No. 35698-121701 was adopted by the following vote:

AYES: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

The Mayor declared the public hearing closed.

The Mayor announced that RVT Channel 3 coverage of the Council meeting would conclude.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred immediately, without objection by Council, for response, report or recommendation to Council.

CITIZEN OF THE YEAR: Dr. E. T. Burton, 1640 Flora Lane, N. W., expressed appreciation to the Members of Council and citizens of the City of Roanoke upon receiving the honor of Roanoke's 2001 Citizen of the Year.

COMPLAINTS-FIRE DEPARTMENT-PENSIONS: Mr. W. A. Drewery, 844 Dillon Drive, Vinton, Virginia, retired Roanoke City Fire Fighter, addressed Council in connection with his retirement package, mismanagement of the Fire Department and certain other City departments.

TRAFFIC-COMPLAINTS-STREETS AND ALLEYS: Mr. Chris Craft, 1501 East Gate Avenue, N. E., called attention to a dangerous curve in the vicinity of King Street, N. E., adjacent to the Parkway Wesleyan Church. He also referred to the corner of 20th Street and Orange Avenue and advised that the business establishment at that location has requested an adjustment to the location of the median to enable vehicles traveling Route 460 in the direction of the City of Salem to have access to its parking lot. He requested that the matters be referred to the City Manager for investigation.

POLICE DEPARTMENT-COMPLAINTS-HOUSING/AUTHORITY-CITY EMPLOYEES: Mr. Robert Gravely, 617 Hanover Avenue, N. W., addressed issues in connection with neglect of the City's infrastructure in the inner City communities, inadequate wages for the City work force, mismanagement of certain City departments, neglect of citizen needs, crime in the City of Roanoke, improper housing for Roanoke's disadvantaged population, and lack of services for senior citizens.

At 7:50 p.m., the Mayor declared the meeting in recess for three closed sessions.

At 8:35 p.m., the meeting reconvened in the Council Chamber, with all Members of the Council in attendance, Mayor Smith presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Harris moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Carder and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Hudson, White and Wyatt were out of the Council Chamber when the vote was recorded.)

OATHS OF OFFICE-COMMITTEES-INDUSTRIES: The Mayor advised that there is a vacancy on the Industrial Development Authority created by the resignation of Thomas Pettigrew, and called for nominations to fill the vacancy.

Mr. Carder placed in nomination the name of Charles E. Hunter, III.

There being no further nominations, Mr. Hunter was appointed as a member of the Industrial Development Authority to fill the unexpired term of Thomas Pettigrew resigned, ending October 20, 2004, by the following vote:

FOR MR. HUNTER: Council Members Hudson, Harris, Bestpitch, White, Carder, Wyatt and Mayor Smith-----7.

There being no further business, the Mayor declared the meeting adjourned at 8:40 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor

C-1

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

January 7, 2002

12:15 p.m.

The Council of the City of Roanoke met in regular session on Monday, January 7, 2002, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William H. Carder, William White, Sr., W. Alvin Hudson, Jr., William D. Bestpitch, Linda F. Wyatt, and Mayor Ralph K. Smith-----6.

ABSENT: Council Member C. Nelson Harris-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

WATER RESOURCES: The City Manager called attention to measures which were taken last week to initiate voluntary water conservation in the City of Roanoke; whereupon, she called upon Michael McEvoy, Director of Utilities, to review water issue activities.

Mr. McEvoy advised that as of January 7, 2001, Carvins Cove is 18.7 feet below the spillway which is about 3.5 feet below what is typically experienced in January, and Carvins Cove is about 2½ feet above its level during the 1999 drought. He stated that Carvins Cove operates solely on rainfall and snowfall; the treatment plant is currently producing approximately 14 million gallons of water per day and a typical annual average is 15 to 15.5. He explained that rainfall is down and in 2001, the area received approximately 60 per cent of what it would have received on an annual average; and since October 2000, the level is more than 22" below normal, with Roanoke experiencing moderate drought conditions. He added that on January 3, the City issued a press release calling for voluntary water conservation; voluntary water conservation is the first phase in the water management plan; if the situation continues, at 22 feet it is proposed that the City will go to a partial restriction where

no outdoor watering will be allowed between the hours of 10:00 a.m., and 7:00 p.m., which is the biggest evaporation period; and the City is also looking at suspending the sewer exemption credit program. He stated that if the City goes to full restriction at 26 feet, it would then begin purchasing water from surrounding localities and the two tier conservation rate providing for billing at a higher water rate will go into effect, thereby providing economic incentives for citizens to conserve water and to recover the costs of purchasing water, both of which require action by Council.

In regard to infrastructure, he advised that the Crystal Spring Plant is under construction, with an expected completion date of December 2002. He stated that discussions have taken place with Health Department officials with regard to placing Crystal Spring back on line in the event that the drought continues.

Mr. McEvoy presented an update on the ground water development program which was initiated after the 1999 drought when wells were drilled at various locations throughout the City, with mixed results. He noted that the wells at the Carvins Cove Filter Plant are somewhat productive, generating between 200,000 - 300,000 gallons per day; a fairly successful well was drilled near Mill Mountain in the vicinity of an old landfill site, however, there were concerns about the well being put into production, and it was later abandoned; there was a fairly productive well at the Muse Springs site located on the corner of Bennington Street and Riverland Road which appears to be productive, however, issues have arisen and the City is currently leasing the water from Muse Spring to the Fred Whittaker Company, and if the well becomes operational, it could impact the Muse Spring water. In addition, he stated that the well at Muse Spring is in the path of I-73, therefore, the site has certain construction issues. He stated that management issues are being addressed through public education items, the City's annual calendar, the Citizen Magazine, spots on RVTV Channel 3 Inside Roanoke, messages on water bills, public service announcements, updates on the City's Web site, all of which are intended to provide additional water conservation information.

He called attention to discussions with Roanoke County regarding cooperative efforts; i.e.: the 1999 water contract which allows a level of water sharing through a trading of water concept, thus allowing maximization of the infrastructure. He called attention to discussions with his counterpart in Roanoke County, along with the City Manager with her counterpart in Roanoke County, on the concept of a regional water authority; and the City Manager has charged him with the responsibility of discussing issues and benefits with the County's Utility Director to determine necessary actions for the two existing budgets to be combined into one authority, would other jurisdictions in the area be interested in participating in a water authority, etc., and it is in the best interest of the citizens in the long term if certain immediate short term issues can be resolved.

He stated that the City is not in a crisis situation as yet, the City is in the first stage of the water conservation plan and trying to heighten awareness by encouraging citizens to begin thinking about their water usage. He further stated that this is the best time of the year to fill Carvins Cove; typically, the Cove fills in the late winter/early spring; and historically, there are 50+ years of operation at Carvins Cove, with Carvins Cove having experienced only two significant droughts, the 1999 drought being the most significant, therefore, the odds are in the City's favor. He advised that the National Weather Service is reporting average to dry conditions over the next 90 days and there is a good chance of getting an average rainfall and replenishing Carvins Cove.

Mr. McEvoy explained that during the upcoming weeks, a public education campaign will continue; if the City is required to go to mandatory water restrictions, the necessary documents will be prepared for action by Council; and City officials will continue to work with the Health Department regarding the reactivation of the Crystal Spring water supply, while continuing to investigate other resources for increasing the City's water supply.

There was discussion with regard to the condition of the City's water lines; actions as a result of the 1999 drought in regard to a water contract with Roanoke County; the status of wells that were authorized in 1999; a recent newspaper article that Roanoke County may not have sufficient water to sell the City; a regional water authority; placing the Crystal Spring Filter Plant back in operation as soon as possible; significant problems which are being experienced by much of the southeastern part of the United States, with lower than average rainfall in recent times, and regardless of the types of agreements that are currently in place, if the water is not available, it cannot be shared; a method of injecting a synthetic material inside the water main that adheres to the inside of the pipe and allows at least another 50 years of use, which could provide a more economical approach to replacing pipes; and another technology that pulls a cutter head which destroys the old pipe while pulling in new pipe.

With regard to a regional water authority, the City Manager advised that the Mayor and the City Manager have met on a monthly basis with their counterparts in Roanoke County to discuss, among other things, the issue of a regional water and perhaps sewer authority, with direction to City and County staffs to initiate the detailed work that is necessary to move the localities toward a regional authority. She stated that the movement to an authority can be compared to a second marriage where there are "yours, mine and our children", where certain things are brought to the table and certain new things happen as a result of the union. She added that this is the kind of approach that the localities will have to use in order to accomplish what appears to be in the best interest of the citizens, because each locality brings something different to the table and each locality has a different investment in its

respective water system. She further stated that it is also clear that the City, while it has the cheapest water rates in the state, should spend more money on its infrastructure, lines need to be repaired and replaced, and because of other priorities, a master utility plan has not been prepared for the City, in order to plan for repairs and improvements, as opposed to participating in a kind of preventative maintenance or repair mode. She explained that the City has recently commissioned an organization to submit a recommendation for a multi year, multi phased program. She called attention to areas of the City where water pressure is a problem because housing units have changed over time, therefore, infrastructure responsibilities will exist in a regional system. She advised of the necessity to study additional water resources for the future and that the localities should not be content with the resources that each bring to the table. She stated that moving to a water authority will not occur over night and it is anticipated that there will be a need to engage an independent consultant to review issues such as rate setting, among other things. She added that Council has set the stage for water conservation through approval of a recommendation during the latter part of last year with regard to a water rate increase system that stresses conservation, the kinds of messages that are being sent regarding what Roanoke wants to do as a community in order to become more environmentally sensitive, and to encourage citizens to appreciate, preserve and protect current resources. She assured the Members of Council that the water issue will be a priority for her administration while, at the same time, managing water resources in a prudent manner on a daily basis. She reiterated that the City is not in a crisis mode at the present time, but the City is being a good steward by initiating an awareness of the circumstances and planning for the future.

Ms. Wyatt raised the following questions for response by the City Manager at a later date:

What will be the overall cost to upgrade the City's water system? What will be the rate/billing impact on the average daily City water customer?

If a water authority is established, what overall costs will be passed on to the City relative to the Spring Hollow Reservoir? How much will the average City water bill increase?

In the interim, using the City's current water system, what will be the cost to the City to purchase water? What will be the rate/billing impact on the average daily City water customer?

If a water authority is established, how will the cost for the Spring Hollow Reservoir be addressed? Will a portion of the costs to upgrade the City's water system be included in the budget of the water authority, or will the water authority fund improvements? What will be the overall

cost to the City and to the average City water customer? What will be the cost to establish and maintain a water authority? Will there be cost savings? Will there be fewer personnel if the two water systems are combined, or will there be another level of bureaucracy to be funded?

If a water authority is established, what will be the status of the long term contract with Roanoke County for the purchase of water?

Why were wells drilled in certain areas where it was anticipated that potential problems could exist?

In addressing a regional water authority, Ms. Wyatt requested that the City Manager make a concerted effort to keep citizens adequately informed.

Mr. McEvoy responded that a document could be provided within 60 - 90 days which will address the questions raised by Ms. Wyatt.

Mr. McEvoy was requested to summarize the progress of the long range water supply committee which is staffed by the Roanoke Valley-Allegheny Commission; whereupon, he advised that the committee is composed of elected representatives from jurisdictions within the Fifth Planning District; however, because of funding issues, a regional water study which was proposed by the committee has not been prepared. He added that a request for state funds and funding by local businesses was denied:

Mr. McEvoy was requested to provide an update on the Falling Creek water supply; whereupon, he advised that Falling Creek is a little below normal for this time of year; Falling Creek does not supply a large amount of water, with a yield of 0.8 to 1 million gallons per day, and Falling Creek is a small facility that helps to serve the eastern service boundary, but does not have a major impact on the City's total water consumption.

The Mayor requested information on the number of gallons of water required to fill Carvins Cove, how many millions of gallons of water currently exist in Carvins Cove, and the status of the Spring Hollow Reservoir.

In regard to the use of wells, Mr. McEvoy advised that the City does not use a large amount of well water; two wells are in operation at the Carvins Cove Filter Plant that go through the treatment process and provide approximately 200,000 - 300,000 gallons of water per day which is a small amount compared with the 14 million gallons per day produced at Carvins Cove. Other than the two wells at Carvins Cove, he stated that the City does not use wells for potable water consumption within the City limits, some businesses use wells that were drilled after the 1999 drought and a percentage of customers in the northeast section of the City rely on wells for their water consumption.

The Mayor requested that all significant potable sources of water for the Roanoke Valley be provided in written format.

The City Manager advised that it is important to stress that the City is engaging in pre planning, looking ahead and to the extent possible, averting any unusual and extraordinary conditions, and citizens are requested to help by conserving water. She assured the community that the City will be as open and as public as possible in the sharing of information; and the City will provide tips on how to conserve water by inviting school age children and the adult community to offer suggestions as a community project. She stated that everyone will work together to find solutions to the water situation, water issues are not unique to Roanoke and to the Roanoke Valley, but it is an issue that will be with the Roanoke Valley for many years to come as we work toward getting through the winter season and discussions regarding a regional authority. She further stated that citizens will have to be vigilant in the future, better conservators of water and look for new water resources, and she pledged to work toward meaningful solutions that will be acceptable to the community, with water issues to be discussed on a regular basis in the future.

COMMITTEES-COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Carder moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. White and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

COUNCIL: A communication from Council Member C. Nelson Harris, Chair, City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss a matter with regard to the performance of three Council-Appointed Officers, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. White moved that Council concur in the request of the Chair of City Council's Personnel Committee to convene in a Closed Meeting to discuss a matter with regard to the performance of three Council-Appointed Officers, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

At 1:20 p.m., the Mayor declared the meeting in recess to be reconvened at 2:00 p.m., in the City Council Chamber.

At 2:00 p.m., on Monday, January 7, 2002, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William H. Carder, William White, Sr., W. Alvin Hudson, Jr., William D. Bestpitch, Linda F. Wyatt and Mayor Ralph K. Smith-----6.

ABSENT: Council Member C. Nelson Harris-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by The Reverend Pamela P. Crump, Director of Christian Education, High Street Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGEMENTS: None.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meeting of Council held on Monday, November 5, 2001, were before the body.

Mr. Bestpitch moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

PURCHASE/SALE OF PROPERTY-CITY PROPERTY-FLOOD REDUCTION/CONTROL: A communication from the City Manager advising that pursuant to the requirements of the Code of Virginia (1950), as amended, the City of Roanoke is required to hold a public hearing on the proposed conveyance of property rights; whereupon, the City Manager requested that a public hearing be advertised for Tuesday, January 22, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, in connection with the Roanoke River Flood Reduction Project - subdivision and conveyance of property rights, was before Council.

Mr. Bestpitch moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

NEWSPAPERS-LEASES-AIR RIGHTS: A communication from the City Manager advising that pursuant to the requirements of the Code of Virginia (1950), as amended, the City of Roanoke is required to hold a public hearing on the proposed conveyance or lease of property rights; whereupon, the City Manager requested that a public hearing be advertised for Tuesday, January 22, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, in connection with a request of the Times-World Corporation for the lease of air rights over Second Street, S. W., was before Council.

Mr. Bestpitch moved that Council concur in the request of the City Manager.

The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt
and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

COMMONWEALTH OF VIRGINIA BUILDING-BUILDINGS/BUILDING DEPARTMENT-LEASES: A communication from the City Manager advising that the General Services Administration (GSA) of the Federal Government currently leases space within the Commonwealth Building; the GSA uses the second floor of the building for the Federal Bankruptcy Court and its affiliated offices; the lease also includes one office on the first floor; and the current lease expires on January 31, 2002, the GSA is interested in extending the current lease for one year, pursuant to the terms of the current lease, which is \$6.50 per square foot, plus \$3.93 per square foot for operating costs (increased annually based on consumer price index), with an annual rent amount of \$129,549.60, was before Council.

The City Manager requested that a public hearing be advertised for Tuesday, January 22, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard in connection with extension of a lease agreement with the General Services Administration for space within the Commonwealth Building.

Mr. Bestpitch moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt
and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

TRAFFIC-COMMITTEES-TOWING CONTRACT: A communication from Sergeant C. A. Karr tendering his resignation as a member of the Towing Advisory Board, effective September 18, 2001, was before Council.

Mr. Bestpitch moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

HUMAN DEVELOPMENT-ROANOKE ARTS COMMISSION-ARCHITECTURAL REVIEW BOARD-OATHS OF OFFICE-COMMITTEES: The following reports of qualification were before Council:

James Schlueter as a member of the Architectural Review Board for a term ending October 1, 2005;

Robert Humphreys as a member of the Roanoke Arts Commission for a term ending June 30, 2004; and

Cheri W. Hartman as a member of the Advisory Board of Human Development for a term ending November 30, 2005.

Mr. Bestpitch moved that the report of qualification be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

REGULAR AGENDA

PUBLIC HEARINGS: None.

PETITIONS AND COMMUNICATIONS: None.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: None.

ITEMS RECOMMENDED FOR ACTION:

ROANOKE CIVIC CENTER: The City Manager submitted a communication advising that the City's current agreement for provision of ticketing services at the Roanoke Civic Center will expire on February 2, 2002; the City wishes to enter into a contractual agreement with a ticket service provider for computerized ticketing services for the City's Civic Facilities; although the sealed bid method of procurement would normally be used, it is not practicable and/or fiscally advantageous to the public in this case; experience, qualifications, and ability to provide services required are of equal, if not greater, importance than the cost; issues of technology, computer hardware and software, ticket outlet network, telephone sales network, and credit card capability are of significant importance to a successful ticketing operation; additional issues, other than price, include equipment installation, maintenance and repair, employee training, customer responsiveness, and accounting procedures; therefore, the process of competitive negotiation, using the request for proposal process has been identified as the best method for procurement of said services.

It was further advised that the Code of the City of Roanoke provides, as an alternate method of procurement to using the bid process, a process identified as "competitive negotiation"; prior approval by Council is necessary before the alternate method may be used; and this method will allow for negotiations with two or more providers to determine the best qualified at the most competitive price or rate.

The City Manager recommended that Council authorize the use of competitive negotiation as the method to secure a ticket service provider at City Civic Facilities.

Mr. Bestpitch offered the following resolution:

(#35699-010702) A RESOLUTION designating the procurement method known as competitive negotiation, rather than the procurement method known as competitive sealed bidding, to be used for the procurement of a ticket service provider to provide computerized ticketing and related services for the City's Civic Facilities; and documenting the basis for this determination.

(For full text of Resolution, see Resolution Book No. 65, page 341.)

Mr. Bestpitch moved the adoption of Resolution No. 35699-010702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

Following discussion, the Mayor requested a list of potential vendors.

In negotiating a new contract, Ms. Wyatt requested that the City Manager stress the importance of delivering tickets in a timely manner.

BUDGET-NEIGHBORHOOD ORGANIZATIONS-GRANTS: The City Manager submitted a communication advising that the Derelict Structures Fund (DSF) is a program funded by the General Assembly to assist with removal or renovation of badly deteriorated properties; the Virginia Department of Housing and Community Development (DHCD) solicited proposals for the program in the year 2000; on August 7, 2000, Council authorized the City Manager to submit a funding proposal to DHCD for \$100,000.00, authorized execution of any and all requisite documents accepting the grant; and further authorized execution of agreements with Two B Investments and the Northwest Neighborhood Environmental Organization (NNEO) for the renovation of:

113 Norfolk Avenue, S. W., on Warehouse Row. The Warehouse is being renovated by Two B Investments (Bruce Brenner) for use as high-tech offices.

525, 526 and 532 Loudon Avenue, N. W., are in the Gilmer neighborhood. These properties are being renovated by NNEO for residential use.

It was further advised that a grant agreement accepting the funds with DHCD was executed on May 29, 2001, which agreement committed the funds for use exclusively with the Warehouse Row and 500 block of Loudon Avenue, as proposed; total amount to be provided from the Derelict Structures Fund for the Warehouse Row project is \$50,000.00 and will be in the form of a 0% loan, to be repaid to the City at a rate of \$10,000.00 per year, beginning one year after completion of shell renovations; total amount to be provided from the Derelict Structures Fund for the 500 block of Loudon Avenue is a \$50,000.00 grant; and once the projects are completed as proposed, the City will be reimbursed by DHCD in the amount of \$100,000.00.

The City Manager recommended that Council appropriate \$100,000.00 to an account in the Grant Fund to be established by the Director of Finance, and establish an account receivable and revenue estimate in the same amount.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35700-010702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 342.)

Mr. Bestpitch moved the adoption of Ordinance No. 35700-010702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

BUDGET-COMMUNITY PLANNING-CONSULTANTS REPORTS: The City Manager submitted a communication advising that as recommended in *Vision 2001-2020*, the City's Comprehensive Plan, City staff has encouraged and considered new development opportunities that are consistent with the Comprehensive Plan, especially with respect to new housing and village centers; in an effort to move forward in considering new projects, additional technical planning and architectural assistance is needed to master plan potential development sites and to help evaluate proposed projects; and many urban cities have similar contracts with consultants to assist in the preliminary design and review of development proposals.

It was further advised that recently, the City requested proposals from architectural and planning firms to provide urban design and master planning services for miscellaneous projects to be determined by the City; proposals were received, firms were interviewed, and consultant selection has been completed; contracts are to be awarded to RTKL Associates, Inc. (Washington, D. C.) and to The Lawrence Group (Davidson, North Carolina), for one year, with an option to renew for a second year; current contract does not exceed \$75,000.00 and additional funds will have to be appropriated for the second year; funding in the amount of \$75,000.00 is available in the "Capital Projects Fund" account "Environmental Issues"; and approval by Council is required to appropriate funds from a capital to a new capital account for professional services.

The City Manager recommended that Council appropriate \$75,000.00 from Account No. 008-052-9670, Environmental Issues, to a new capital project account to be established for the purpose of urban design and master planning services.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35701-010702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 343.)

Mr. Bestpitch moved the adoption of Ordinance No. 35701-010702. The motion was seconded by Mr. Carder.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., inquired if \$75,000.00 is to be used for a comprehensive plan for the southeast quadrant of the City, or if the \$75,000.00 can be used in any part of the City for any type of improvement or enhancement project.

The City Manager responded that the contract under discussion for master planning and design services was specifically approved by Council several months ago, thus enabling City staff to request proposals for assistance in reviewing specific areas of the City and specific parcels of land owned by the City for future development, in order to improve the City's housing stock. She asked that the matter not be confused with any other activity that has been advertised for proposals. She stated that City resources, particularly HUD funds, along with Design Competition, the Roanoke Housing Network, and the Christmas In April project, are targeted for the southeast Roanoke project.

Ordinance No. 35701-010702 was adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

For discussion during fiscal year 2002-03 budget study, Council Member Wyatt requested a report on the number of consultants presently under contract by the City, the dollar amount of each contract, and the percentage of the City's budget which is devoted to consulting fees.

DIRECTOR OF FINANCE:

DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of November, 2001.

Without objection by Council, the Mayor advised that the financial report would be received and filed.

CITY EMPLOYEES-PENSIONS: The Director of Finance submitted a written report advising that the provisions of Article III, Employee Supplemental Retirement System, City of Roanoke Pension Plan, currently contain outdated language related to optional forms of benefit payments under terms of the Plan; specifically, existing optional forms of benefits provide for recalculation of a joint and survivor distribution option in the event the spouse were to pre-decease the retiree; however, the Plan does not address the instance of a final divorce decree; therefore, if a retiree who originally elected a joint and survivor annuity form of payment subsequently divorces, there is no provision to "credit" the retiree for the reduced benefit amount originally selected, even though the final divorce decree releases the retiree (and Pension Plan) from any liability associated with the ex-spouse's entitlement to any portion of the retiree payments.

It was further advised that many retirement plans have modernized provisions in recent years to reflect current lifestyles; the more modernized language recognizes that a retiree may originally elect a joint and survivor form of benefit to provide for his/her spouse; then, subsequently become divorced from his/her spouse; currently, Plan provisions require that the retiree continue to receive the reduced monthly amount even though the divorce decree nullifies a pension benefit to the ex-spouse; and the retiree is barred by City Code from changing his/her original distribution election since the Plan provides that such change may only be made in the event of death of the spouse (not recognizing divorce).

The Director of Finance recommended that a provision be added to the Employee Supplemental Retirement System that will allow retired members who have elected to receive an optional benefit to revoke such election; and to receive from the date of the divorce decree the retirement allowance to which they would have been entitled had no option been elected initially and the divorce decree releases the employer from provision of the retirement benefit. He advised that this election could be made in the event (a) the original survivor had died; and (b) a final decree of divorce with the retired member from the original survivor has been entered.

Mr. Bestpitch offered the following emergency ordinance:

(#35702-010702) AN ORDINANCE amending and reordaining §22.1-49 Optional spousal allowance, of Chapter 22. Pensions and Retirement, of the Code of the City of Roanoke (1979), as amended, for the purpose of allowing restoration, under certain terms and conditions, of a retired member's allowance to an amount that would have been paid to the member had no spousal allowance been elected, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 344.)

Mr. Bestpitch moved the adoption of Ordinance No. 35702-010702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

INSURANCE-BUDGET: The Director of Finance submitted a written report advising that Section 2-188.1 Reserve for self-insured liabilities, Code of the City of Roanoke (1979), as amended, stipulates that, at the conclusion of each fiscal year, \$250,000.00, to the extent available from any undesignated General Fund balance at the end of such fiscal year, shall be reserved for self-insured liabilities of the City; the maximum balance of the reserve is three per cent of total General Fund appropriations for the concluded fiscal year; and as such, at June 30, 2001, \$250,000.00 was reserved in the General Fund for self-insured liabilities.

The Director of Finance recommended that Council adopt a budget ordinance appropriating the \$250,000.00 reserved in the General Fund for self-insured liabilities to be transferred to the Risk Management Fund where the remaining self-insurance reserve exists; establishing a revenue estimate in the Risk Management Fund and increasing the Reserve for Self-Insured Liabilities.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35703-010702) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and Risk Management Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 347.)

Mr. Bestpitch moved the adoption of Ordinance No. 35703-010702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

LEASES-EQUIPMENT: The Director of Finance and the City Manager submitted a joint written report advising that Council adopted Resolution No. 35193 on February 5, 2001, authorizing execution of a Lease Purchase Agreement with SunTrust Leasing Corporation, and any other required documents related to the Lease Purchase Agreement; a 'related document' was the Escrow Agreement entered into as of January 15, 2001, among the City of Roanoke, SunTrust Bank, and SunTrust Leasing Corporation; Article III, Section 3.4 of the Escrow Agreement, *Transfers Upon Completion*, essentially required the City to disburse all equipment acquisition funds by January 14, 2002, or return said funds to SunTrust Leasing Corporation as a prepayment of principal under the lease; the City needs an extension of the required disbursement date in order to finalize disbursement of funds under the lease, which extension is necessitated by several factors: the largest portion, \$1,353,000.00, of the \$2,503,000.00 of lease proceeds was dedicated to fleet replacement; and many of the items selected for funding through the capital lease are large equipment items that require significant lead-time when ordering and placing into use; therefore, approximately \$442,000.00 of fleet funds are encumbered at this time awaiting delivery of equipment.

It was further advised that another factor impacting the need for an extension is reallocation of approximately \$217,000.00 of proceeds originally planned for new equipment for the police building toward other projects identified in the City's Capital Maintenance and Equipment Replacement Program (CMERP), which was accomplished by action of Council on September 4, 2001, and was made possible by the fact that the police building equipment was purchased at an amount less than the estimated budget; because other priority items have been identified to reallocate the proceeds, the City needs additional time to acquire the items; extending the scheduled disbursement date will enable the City to maximize its use of lease financing as originally planned, as opposed to prepaying lease principal; the City will continue to earn interest earnings on lease proceeds not yet disbursed; and Suntrust Leasing Corporation agrees to the extension.

The Director of Finance and the City Manager recommended that Council adopt a resolution authorizing execution of the Lease Purchase Amendment with SunTrust Leasing Corporation extending the period of disbursement of funds under the lease to July 14, 2002.

Mr. Bestpitch offered the following resolution:

(#35704-010702) A RESOLUTION authorizing execution of an Amendment of Lease Documents with respect to the Escrow Agreement, dated January 15, 2001, entered into in connection with an Equipment Lease Purchase Agreement, under the same date, between Suntrust Leasing Corporation and the City of Roanoke, providing for the acquisition and installation of certain equipment by the City; such Amendment providing for the extension of the disbursement date in the Escrow Agreement from January 14, 2002, to July 14, 2002.

(For full text of Resolution, see Resolution Book No. 65, page 348.)

Mr. Bestpitch moved the adoption of Resolution No. 35704-010702. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, Hudson, Bestpitch, Wyatt and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Harris was absent.) (Council Member White was out of the Council Chamber when the vote was recorded.)

REPORTS OF COMMITTEES:

COMMITTEES-ARCHITECTURAL REVIEW BOARD: A report of the Architectural Review Board advising that the Board adopted the current Architectural Design Guidelines in June, 1995; the Board amended the guidelines in July, 2000, to incorporate specific guidelines for retaining walls, which were developed following an extensive public involvement process and work with neighborhood groups; the purpose of the guidelines is to assist both property owners and the ARB in making consistent and appropriate decisions on construction materials and methods in historic districts; the guidelines are recommendations rather than City Code requirements, therefore, they provide for flexibility in dealing with special circumstances and materials; and each architectural review case is decided on its own merits, was before Council.

It was further advised that historic districts are a part of the zoning ordinance and "overlay" the existing zoning that guides land use; Roanoke has two historic overlay districts: the H-1, Historic District, and the H-2, Neighborhood Preservation District; the H-1 District is generally limited to portions of downtown, including the City Market and Warehouse Row; the H-2 District covers a wider territory that includes Old Southwest, portions of Gainsboro, N. E., and Patterson Avenue, S. W.; and the H-1 guidelines stress restoration and are generally more stringent than the H-2 guidelines, which stress compatibility of design.

It was explained that in October, 2000, planning staff sponsored a community workshop to review the H-2 guidelines; approximately 50 citizens attended; participants were requested to review each of the 349 guidelines and indicate whether they agree or disagree, and results are as follows:

- 257 guidelines had 90-100% in agreement
- 70 guidelines had 80-89% in agreement
- 18 guidelines had 70-79% in agreement
- 3 guidelines had 62-69% in agreement;

The Architectural Review Board recommended that Council adopt a resolution endorsing Architectural Review Guidelines, as amended, for the H-1 and H-2 Districts.

Robert B. Manetta, Chair, Architectural Review Board, appeared before Council in support of the recommendation.

Mr. Carder offered the following resolution:

(#35705-010702) A RESOLUTION endorsing Architectural Design Guidelines for the H-1, Historic District, and the H-2, Neighborhood Preservation District.

(For full text of Resolution, see Resolution Book No. 65, page 349.)

Mr. Carder moved the adoption of Resolution No. 35705-010702. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

DIRECTOR OF FINANCE: Mr. Carder offered the following resolution appointing Jesse A. Hall as Director of Finance, effective at midnight on January 31, 2002, or as soon thereafter as Mr. Hall can assume such position, for a term ending on September 30, 2002:

(#35706-010702) A RESOLUTION electing and appointing Jesse A. Hall as Director of Finance for the City of Roanoke, and ratifying the terms and conditions of employment as offered to Mr. Hall.

(For full text of Resolution, see Resolution Book No. 65, page 350.)

Mr. Carder moved the adoption of Resolution No. 35706-010702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

COMMITTEES-INDUSTRIES: Mr. Carder offered the following resolution appointing Charles A. Hunter, III, as a Director of the Industrial Development Authority:

(#35707-010702) A RESOLUTION appointing a Director of the Industrial Development Authority of the City of Roanoke, to fill the remaining portion of a four (4) year term on its Board of Directors.

(For full text of Resolution, see Resolution Book No. 65, page 352.)

Mr. Carder moved the adoption of Resolution No. 35707-010702. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

POLICE DEPARTMENT-ACTS OF ACKNOWLEDGEMENT: Council Member Wyatt commended Roanoke City Police Officers on their patriotic conduct during the Pledge of Allegiance to the Flag at Roanoke Express Hockey games at the Roanoke Civic Center.

CITY MANAGER COMMENTS:

REFUSE COLLECTION-CITY EMPLOYEES-PUBLIC WORKS-STREETS AND ALLEYS: The City Manager commended City staff on the condition of City streets which were well maintained during and following the snow/ice occasion on Sunday, January 6, 2002.

The City Manager requested that citizens be mindful of the fact that when a City holiday occurs on a Monday, refuse collection could be delayed by as much as one to two days in the same week. She called attention to the Dr. Martin Luther King, Jr. Holiday, which will be observed by City employees on Monday, January 21; therefore, refuse collection will be delayed by at least one day during the week of January 21.

At this point, the Mayor stated that RVT, Channel 3, coverage of the Council meeting will be concluded.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred, without objection by Council, for response, report and recommendation to Council. He further advised that this is a time for informal dialogue by Council and citizens.

FIRE DEPARTMENT-CITY COUNCIL-HOUSING/AUTHORITY: Ms. Helen E. Davis, 35 Patton Avenue, N. E., referred to Council's Rules of Procedure which require that there be no cheering, jeering, or applauding, except during ceremonial matters, during the Council proceedings. She inquired if the rule is applied uniformly to all citizens, regardless of race. She expressed appreciation to Council Member Bestpitch for meeting with residents of Lincoln Terrace to hear their concerns, specifically with regard to screen doors on housing units. She expressed concern with regard to the closing/proposed closing of certain fire stations in the City. Specifically, she stated that Fire Station No. 12 is closed, while the Clearbrook Fire Station in Roanoke County is operational, and many citizens believe that the City of Roanoke should take care of its own citizens before venturing into Roanoke County. She requested that Council give further study to the closing/proposed closing of certain City fire stations.

At 3:15 p.m., the Mayor declared the meeting in recess for two closed sessions.

At 4:00 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding, and all Members of the Council in attendance, with the exception of Council Member Harris.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Carder moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Carder, White, Hudson, Bestpitch, Wyatt
and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

OATHS OF OFFICE-COMMITTEES-LEAGUE OF OLDER AMERICANS: : The Mayor advised that the term of office of Vickie F. Briggs as a member of the League of Older Americans Advisory Board will expire on February 28, 2002, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Vickie F. Briggs.

There being no further nominations, Ms. Briggs was reappointed as a member of the League of Older Americans Advisory Board, for a term ending February 28, 2003, by the following vote:

FOR MS. BRIGGS: Council Members Carder, White, Hudson, Bestpitch, Wyatt
and Mayor Smith-----6.

(Council Member Harris was absent.)

OATHS OF OFFICE-COMMITTEES-HUMAN DEVELOPMENT-FIFTH PLANNING DISTRICT COMMISSION: The Mayor advised that the term of office of Glenn D. Radcliffe as the City's representative to the Fifth Planning District Disability Services Board will expire on January 31, 2002, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Carol D. Wright.

There being no further nominations, Ms. Wright was appointed as the City's representative to the Fifth Planning District Disability Services Board, for a term ending January 31, 2005, by the following vote:

FOR MS. WRIGHT: Council Members Carder, White, Hudson, Bestpitch, Wyatt
and Mayor Smith-----6.

(Council Member Harris was absent.)

OATHS OF OFFICE-COMMITTEES-HOTEL ROANOKE CONFERENCE CENTER-VIRGINIA TECH: The Mayor advised that there is a vacancy on the Hotel Roanoke Conference Center Commission, effective February 1, 2002, created by the resignation of James D. Grisso, and called for nominations to fill the vacancy.

Mr. Hudson placed in nomination the name of Mayor Ralph K. Smith.

There being no further nominations, Mayor Smith was appointed as a member of the Hotel Roanoke Conference Center, to fill the unexpired term of James D. Grisso, resigned, commencing February 1, 2002 and ending April 12, 2004, by the following vote:

FOR MAYOR SMITH: Council Members Carder, White, Hudson, Bestpitch, Wyatt and Mayor Smith-----6.

(Council Member Harris was absent.)

COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP: It was the consensus of Council that the following persons will be appointed to serve on an ad hoc committee to study the design, role and responsibilities of the Roanoke Neighborhood Partnership Steering Committee:

Vice-Mayor William H. Carder
Council Member William D. Bestpitch
Assistant City Manager for Operations, Rolanda A. Johnson
Roanoke Neighborhood Partnership Coordinator, Stephen S. Niamke
Chair, Roanoke Neighborhood Partnership Steering Committee,
Carl D. Cooper
Roanoke Neighborhood Partnership Steering Committee Members,
Robin Murphy-Kelso and Paula L. Prince.

At 4:05 p.m., the Mayor declared the meeting in recess to be reconvened on Thursday, January 10, 2002, at 12:00 noon at the Salem Civic Center, Parlor C, 1001 Roanoke Boulevard, Salem, Virginia, for the Roanoke Valley Leadership Summit Luncheon, to be hosted by the City of Salem.

The meeting of Roanoke City Council reconvened on Thursday, January 10, 2002, at 12:00 noon at the Salem Civic Center, Parlor C, 1001 Roanoke Boulevard, City of Salem.

PRESENT: Council Members William D. Bestpitch, W. Alvin Hudson, Jr., and Mayor Ralph K. Smith-----3.

ABSENT: Council Members William H. Carder, C. Nelson Harris, William White, Sr., and Linda F. Wyatt-----4.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; and Mary F. Parker, City Clerk.

COUNCIL-LEADERSHIP SUMMIT: The purpose of the reconvened meeting was to participate in the Roanoke Valley Leadership Summit which was hosted by the City of Salem. In January 2001, the City of Roanoke hosted the First Leadership Summit which was established to provide an opportunity for members of the governing bodies and administrative officials of the Roanoke Valley to discuss matters of mutual interest and concern.

On behalf of the City of Salem, Forest Jones, City Manager, welcomed all participants.

Mayor Carl E. Tarpley, Jr., welcomed elected and administrative officials and advised that the City of Salem is pleased to host the Fifth Leadership Summit. He noted that Franklin County is scheduled to host the next meeting.

A film was presented showcasing accomplishments of the City of Salem during the past year.

Salem City Council Member, Alex Brown, presented the invocation.

Following lunch, the meeting reconvened at approximately 12:50 p.m., at which time a film highlighting services provided by the City of Salem was shown.

The meeting was then turned over to Mayor Smith who facilitated an exercise on the next steps for the Leadership Summit/items for regional cooperation; whereupon, the following suggestions were offered:

Communication is important to the process.

By working with jurisdictions in the Roanoke Valley that have not previously joined forces gives the localities strength when they approach the General Assembly for assistance.

The Leadership Summits have provided a way to build relationships.

There is a need to meet more frequently than on a quarterly basis. The chief elected official and the chief administrative official of each locality could meet monthly to develop an agenda/work items that could be brought back to the full Leadership Summit for its quarterly meetings.

Wayne Strickland, Executive Director, Roanoke Valley-Allegheny Regional Commission, offered the services of the Roanoke Valley-Allegheny Regional Commission to coordinate monthly meetings of chief elected officials and chief administrative officials; whereupon, following discussion, it was the consensus of those in attendance that the Roanoke Valley-Allegheny Regional Commission will coordinate monthly meetings of the chief elected officials and the chief administrative officials.

There being no further business, the meeting was adjourned at 1:30 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

January 22, 2002

2:00 p.m.

The Council of the City of Roanoke met in regular session on Tuesday, January 22, 2002, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William D. Bestpitch, C. Nelson Harris, William H. Carder, Linda F. Wyatt, W. Alvin Hudson, Jr., William White, Sr., and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Floyd W. Davis, Pastor, High Street Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

XX

At 4:45 p.m., the Mayor declared the meeting in recess until 7:00 p.m., in the City Council Chamber.

On Tuesday, January 22, 2002, at 7:00 p.m., the Roanoke City Council reconvened in regular session in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch, C. Nelson Harris, William H. Carder, Linda F. Wyatt, W. Alvin Hudson, Jr., William White, Sr., and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Scout Troop #5.

PUBLIC HEARINGS:

XX

PURCHASE/SALE OF PROPERTY-BONDS/BOND ISSUES-ARMORY/STADIUM:
Pursuant to action by the Council, the City Clerk having advertised a public hearing for Tuesday, January 22, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed adoption of a resolution authorizing the City to contract a debt and to issue general obligation public improvement bonds of the City, in the principle amount of \$830,000.00, for the purpose of providing funds to pay a portion of the costs of a public improvement project of and for the City, consisting of acquisition, construction and equipping of a new Stadium/Amphitheater, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Tuesday, January 8, 2002, and Tuesday, January 15, 2002.

The Director of Finance submitted a written report advising that Council authorized the issuance of \$56,245,000.00 of General Obligation Bonds to fund the five year Capital Improvement Program, including \$16,200,000.00 for the Stadium/Amphitheater and \$3,000,000.00 for improvements to the Civic Center; Council was advised on November 5, 2001, that the City's bond attorney had issued an opinion that the bonds for the South Jefferson Redevelopment Area and the Civic Center met the Internal Revenue Service private activity tests and would be issued as taxable bonds; the City recently received authority from the State of Virginia to issue \$12,000,000.00 of tax exempt Qualified Redevelopment Bonds (QRB's) to finance the South Jefferson project, which will save the City at least \$2,000,000.00 in interest payments over the life of the bonds; in addition to applying for and receiving the QRB's, a strategy has been developed to finance Civic Center improvements without having to issue taxable bonds; it is allowable, within Internal Revenue Service guidelines, to spend a given percentage of the total amount of the bonds on activities that would potentially benefit private enterprise; the allowable amount relative to the 2002 bond issue totals \$2,170,000.00, which could be applied to the Civic Center project, thus, the City would have to issue only \$830,000.00 of taxable bonds to complete the \$3,000,000.00 of Civic Center improvements.

It was further advised that in order to avoid issuing any taxable bonds, the following solution is proposed: Approximately \$1,800,000.00 has been designated in cash for the Stadium/Amphitheater project; the remainder of the project will be funded from \$16,200,000.00 of bonds to be included in the 2002 issue; it is recommended to increase the amount of bonds issued for the Stadium/Amphitheater project by \$830,000.00 and substitute a like amount of cash from the project to

complete funding needed for the Civic Center project; internally, accounting wise, the Civic Center Fund will still be responsible for \$3,000,000.00 of debt, as originally planned, which approach will allow the City to achieve the total financing needed, without issuing taxable bonds, thus, saving the City at least another \$100,000.00 in interest costs over the life of the bonds.

The Director of Finance recommended that Council adopt a resolution authorizing issuance of an additional \$830,000.00 in general obligation bonds for the Stadium/Amphitheater and reducing the \$3,000,000.00 of bonds previously authorized for Civic Center improvements by \$830,000.00. He advised that the total bond issue will remain the same at \$56,245,000.00.

Mr. Carder offered the following resolution:

(#35736-012202) A RESOLUTION authorizing the issuance of eight hundred thirty thousand dollars (\$830,000) principal amount of general obligations of the City of Roanoke, Virginia, in the form of general obligation public improvement bonds of such City, for the purpose of providing funds to pay a portion of the costs of a public improvement project of and for such City, consisting of the acquisition, construction and equipping of a stadium/amphitheater; fixing the form, denomination and certain other details of such bonds; providing for the sale of such bonds; authorizing the preparation of a preliminary official statement and an official statement relating to such bonds and the distribution thereof and the execution of a certificate relating to such official statement; authorizing the execution and delivery of a continuing disclosure certificate relating to such bonds; authorizing and providing for the issuance and sale of a like principal amount of general obligation public improvement bond anticipation notes in anticipation of the issuance and sale of such bonds; otherwise providing with respect to the issuance, sale and delivery of such bonds and notes; and amending Resolution No. 35636-110501 to provide for the sale of the bonds authorized for issuance hereunder together with bonds authorized for sale pursuant to such Resolution No. 35636-110501.

(For full text of Resolution, see Resolution Book No. 65, page 395.)

Mr. Carder moved the adoption of Resolution No. 35736-012202. The motion was seconded by Ms. Wyatt.

The Mayor inquired if there were persons present who would like to address Council in connection with the matter; whereupon, Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., inquired if the stadium/amphitheater referred to in the proposed resolution pertains to the stadium which is to be constructed north of Orange Avenue, N. W. She also inquired as to whether Council's proposed action would benefit private enterprise, and, if so, has the private enterprise entity been identified by the City.

No other persons wishing to address Council, Resolution No. 35736-012202 was adopted by the following vote:

AYES: Council Members Bestpitch, Harris, Carder, Wyatt, Hudson, White,
and Mayor Smith-----7.

NAYS: None-----0.

The Mayor declared the public hearing closed.

XX

There being no further business, the Mayor declared the meeting adjourned
at 9:35 p.m.

C-2



Office of the City Manager

February 19, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

This is to request that City Council convene a closed meeting to discuss the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3), of the Code of Virginia (1950), as amended.

Sincerely,

Darlene L. Burcham
City Manager

DLB:ca

c: City Attorney
City Clerk
Director of Finance

D.A.

CITY OF ROANOKE
CITY COUNCIL

215 Church Avenue, S.W., Room 456
Roanoke, Virginia 24011-1536
Telephone: (540) 853-2541
Fax: (540) 853-1145

RALPH K. SMITH
Mayor

Council Members:
William D. Bestpitch
William H. Carder
C. Nelson Harns
W. Alvin Hudson, Jr.
William White, Sr.
Linda F. Wyatt

February 19, 2002

The Honorable Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

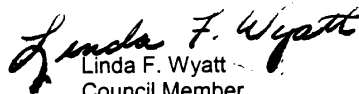
Dear Mayor Smith and Members of Council:

We jointly sponsor a request of Kaye Hale, Executive Director, West End Center for Youth, to address Council with regard to the new policy for CDBG awards and potential funding for local organizations at the regular meeting of City Council on Tuesday, February 19, 2002, at 2:00 p.m.

Sincerely,



William D. Bestpitch
Council Member



Linda F. Wyatt
Council Member

WDB:LFW:sm

pc: Darlene L. Burcham, City Manager

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WEST END CENTER FOR

PA

S.a.



Mailing Address
P.O. Box 4582
Roanoke, Va. 24015

Location
1228 Patterson Ave., S.W.
Roanoke, Va. 24018
SAB-SAC-0002
342-342-0902

PREPARING OUR YOUTH AS RESPONSIBLE, PRODUCTIVE CITIZENS

Room 356
Municipal Building
215 Church Avenue SW
Roanoke, Virginia 24011
February 11, 2002

To The Honorable Mayor and City Council:

I would like to request that Cheri Hartman and I be placed on the agenda for the February 18, 2002 City Council meeting at 2pm. We intend to speak about the new policy for CDBG awards and the potential for City Council to address funding local organizations with a proven track record through another source of funding.

Council members Bill Bestpitch and Linda Wyatt have agreed to support our being placed on the agenda to speak.

If I can be of further assistance please do not hesitate to call me at 342-0902.

Sincerely yours,

Kaye Hale

Kaye Hale
Executive Director
West End Center for Youth

5.b.

CITY OF ROANOKE
CITY COUNCIL

215 Church Avenue, S.W., Room 456
Roanoke, Virginia 24011-1536
Telephone: (540) 853-2541
Fax: (540) 853-1145

RALPH K. SMITH
Mayor

Council Members:
William D. Bestpitch
William H. Carder
C. Nelson Harris
W. Alvin Hudson, Jr.
William White, Sr.
Linda F. Wyatt

February 19, 2002

The Honorable Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

We jointly sponsor a request of Dr. Cheri W. Hartman, Director of Teen Outreach, Family Service of Roanoke Valley, to address Council with regard to youth services in the City of Roanoke, at the regular meeting of City Council on Tuesday, February 19, 2002, at 2:00 p.m.

Sincerely,



William H. Carder
Vice-Mayor



William D. Bestpitch
Council Member

WHC:WDB:sm

pc: Darlene L. Burcham, City Manager

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P. 5.b.

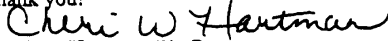
RE: Intent to Make A Presentation to City Council on February 19, 2002
TO: City Clerk, City of Roanoke
FROM: Cheri W. Hartman, Ph. D.
DATE: February 12, 2002

I have received the permission of Councilmen Bill Bestpitch and Bill Carder to make a brief presentation to City Council on behalf of youth services in the City of Roanoke on February 19, 2002. The purpose of this memo is to let you know of my intention to make a presentation and to request being on the agenda on February 19th. Thank you for your attention to this matter. I will plan to be there at 2:00 for the meeting at City Council chambers unless I hear otherwise.

If you need to reach me, my home number is: 985-0151 (evenings), my work number is: 563-5316 at Family Service of Roanoke Valley. My email address is chartman@fsrv.org.

Please let me know if this is not a convenient time to be on the agenda. I can be brief. It was indicated to me that ten minutes was the maximum allotted time. I will not be longer than five minutes I can assure you.

Thank you!


Cheri W. Hartman, Ph. D.
2423 Stanley Ave SE
Roanoke VA 24014

TOTAL P.02



Office of the City Manager

February 19, 2002

Honorable Ralph K. Smith, Mayor
 Honorable William H. Carder, Vice Mayor
 Honorable William D. Bestpitch, Council Member
 Honorable C. Nelson Harris, Council Member
 Honorable W. Alvin Hudson, Jr., Council Member
 Honorable William White, Sr., Council Member
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Proposed Stadium-Amphitheater
 Complex
 Proposal No. 01-09-39

At its meeting on August 6, 2001, City Council adopted a resolution authorizing the design and construction of a new stadium/amphitheater to be constructed at a site across from the Civic Center. The total project cost is \$18 million, which will primarily be funded through the sale of \$16.2 million of Series 2002 General Obligation Public Improvement Bonds.

In October 2001, the Request for (Qualification) Proposals to solicit professional architectural and engineering design services was publicly advertised, including advertising in the monthly publication of *International Association of Assembly Managers, Inc.* In November 2001, the City received qualification proposals from seven design teams, which consisted of the primary consultant and a subconsultant it would use. Those teams consisted of the following:

- Arquitectonica with Hanbury Evans Newill Vlattas & Co.
- HKS Inc. (HKS Sport) and SFCS Inc.
- Moseley Harris & McClintock and HOK Sport
- Rosser, International, Inc./Hayes Seay Mattern & Mattern, Inc.
- Spectrum Design and Heery International, Inc.
- Sustaita Associates with Hanbury Evans Newill Vlattas & Co.
- VMDO Architects, P.C. with Rife + Wood Architects

A seven-person selection committee composed of four Roanoke citizens (Mr. Jim Burks, Mr. Calvin Johnson, Ms. Maryellen Goodlatte and Mr. Brian Shepard), a member of the City school administration office (Richard Kelley, Assistant Superintendent for Operations) and two City-staff (Jim Evans, Director of Civic Facilities and Phil Schirmer, City Engineer) short-listed the four following consultants and their subconsultant for interviews:

- HKS Inc. (HKS Sport) and SFCS Inc.
- Moseley Harris & McClintock and HOK Sport
- Rosser, International, Inc./Hayes Seay Mattern & Mattern, Inc.
- Spectrum Design and Heery International, Inc.

Honorable Mayor and Members of Council
February 19, 2002
Page 2

Following interviews with these teams in early January, the firm of Rosser International, Inc., 524 West Peachtree Street, N.W., Atlanta, Georgia 30308, was selected as best qualified to provide the required services for the proposed project. In addition to all normal architectural/engineering design and construction phase services, these services will include a traffic planning study of major roads and intersections in the vicinity of the stadium-amphitheater and Civic Center, provision of an operations consultant, acoustical design, food service and graphics design services.

City staff has negotiated an acceptable agreement for the above work with Rosser International, Inc. for a lump sum fee of \$1,250,000. Funding is available in Capital Projects Fund account number 008-530-9758, Stadium/Amphitheater Project.

Recommended Action:

Authorize the City Manager to execute a Contract for Consultant Services for the above work with Rosser International, Inc. in the amount of \$1,250,000; such contract to be approved as to form by the City Attorney.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB/CMA/bls

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Philip C. Schirmer, City Engineer

#CM02-00025

J.T.

6.2.1

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing a contract with Rosser International, Inc. for architectural/engineering design and construction phase services, which will include a traffic planning study of major roads and intersections in the vicinity of the stadium-amphitheater and Civic Center, provision of an operations consultant, acoustical design, food service and graphics design services and related work for the Stadium-Amphitheater Complex Project.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are hereby authorized to execute and attest, respectively, a contract with Rosser International, Inc. in the amount of \$1,250,000 for architectural/engineering design and construction phase services, which will include a traffic planning study of major roads and intersections in the vicinity of the stadium-amphitheater and Civic Center, provision of an operations consultant, acoustical design, food service and graphics design services and related work for the Stadium-Amphitheater Complex Project, as described in the City Manager's letter to this Council dated February 19, 2002.

2. The form of the contract shall be approved by the City Attorney, all as more particularly set forth in the City Manager's letter to this Council dated February 19, 2002.

ATTEST:

City Clerk.

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Office of the City Manager

February 19, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Contract Award
Signalization of Williamson Road
and Hildebrand Road
Bid No. 01-12-21

The intersection of Williamson Road and Hildebrand Road was identified in the 1997 bond referendum as a location for which traffic signalization would be implemented. The design has been completed and the project has been bid.

After proper advertisement, two bids were received on Tuesday, January 29, 2002, with The Richardson-Wayland Electrical Corporation, 13th Street and Memorial Bridge, S.W., Roanoke, Virginia 24015, submitting the low bid in the amount of \$47,844. (See attached bid tabulation.) The construction time was specified as 60 consecutive calendar days.

Funding in the amount of \$52,600 is needed for the project. The additional funds that exceed the contract amount will be used for miscellaneous project expenses including advertising, prints, test services, minor variations in bid quantities and unforeseen project expenses. Funding is available from Public Improvement Bonds – Series 1999, account number 008-052-9709-9191. Signal equipment for this intersection, such as poles, controller and cabinet, will be procured using \$25,000 which is already available in an existing account.

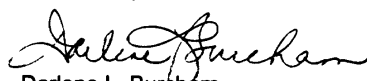
Recommended Action:

Accept the above bid and authorize the City Manager to execute a contract for the above work with The Richardson-Wayland Electrical Corporation in the amount of \$47,844 with 60 consecutive calendar days of contract time, and reject all other bids.

Honorable Mayor and Members of Council
February 19, 2002
Page 2

Authorize the Director of Finance to transfer \$52,600 from Public Improvement Bonds – Series 1999, account number 008-052-9709-9191, to a new account to be entitled Signalization of Williamson Road/Hildebrand Road.

Respectfully submitted,


Darlene L. Bursham
City Manager

DLB/JGB/bls

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Philip C. Schirmer, City Engineer

#CM02-00029

TABULATION OF BIDS**SIGNALIZATION OF
WILLIAMSON ROAD AND HILDEBRAND ROAD
BID NO. 01-12-21**

Bids were opened by Robert L. White, Manager, Purchasing Department, on Tuesday, January 29, 2002, at 2:00 p.m.

BIDDER	AMOUNT
The Richardson-Wayland Electrical Corporation	\$47,844.00
J.B. Moore Electrical Contractor, Inc.	\$55,073.50

Engineer's Estimate: \$45,000.00

Office of the City Engineer
Roanoke, Virginia
February 19, 2002

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 Capital Projects Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Traffic Engineering	\$ 5,445,380
Signalization of Williamson Road/Hildebrand Road (1)	52,800
Capital Improvement Reserve	\$ (3,118,821)
Public Improvement Bonds - Series 1999 (2)	3,254,679

1) Appropriated from		
Bond Funds		
Series 1999	(008-530-9579-9001)	\$ 52,600
2) Streets and Sidewalks	(008-052-9709-9191)	(52,600)

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.

STT
2/13/02

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE accepting the bid of The Richardson-Wayland Electrical Corporation for the signalization of Williamson Road and Hildebrand Road upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and dispensing with the second reading of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The bid of The Richardson-Wayland Electrical Corporation in the amount of \$47,844.00 for the signalization of Williamson Road and Hildebrand Road, as is more particularly set forth in the City Manager's letter dated February 19, 2002, to this Council, such bid being in full compliance with the City's plans and specifications made therefor and as provided in the contract documents offered the bidder, which bid is on file in the Purchasing Department, be and is hereby ACCEPTED.
2. The City Manager and the City Clerk are hereby authorized, on behalf of the City, to execute and attest, respectively, the requisite contract with the successful bidder, based on its proposal made therefor and the City's specifications made therefor, the contract to be in such form as is approved by the City Attorney, and the cost of the work to be paid for out of funds heretofore or simultaneously appropriated by Council.
3. Any and all other bids made to the City for the above work are hereby REJECTED, and the City Clerk is directed to notify each such bidder and to express to each the City's appreciation for such bid.

Document1

4. Pursuant to the provisions of Section 12 of the City charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

Document1

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Office of the City Manager

February 19, 2002

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Purchase of Fire Engine
Bid No. 01-11-26

Background:

Capital Maintenance and Equipment Replacement Program (CMERP) has identified the need to replace one (1) 1500 GPM fire engine with water tower for the Fire-EMS Department.

Specifications were developed and, along with an Invitation for Bid, were sent to twenty (20) providers. The bid was publicly advertised in accordance with Chapter 23.1 of the Code of the City of Roanoke.

Considerations:

Two (2) bids were received and evaluated in a consistent manner. The lowest bid, submitted by Kovatch Mobile Equipment Corporation, Nesquehoning, Pennsylvania, met all specifications at a cost of \$429,767.00. Funding for this equipment is available in Fleet Management Retained Earnings Account.

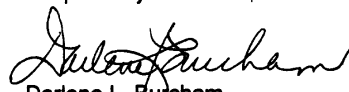
The Honorable Mayor and Members of Council
February 19, 2002
Page 2

Recommended Action:

City Council appropriate retained earnings in the amount of \$429,767.00 to account 017-440-2642-9010.

Award the bid for the fire truck to Kovatch Mobile Equipment Corporation at a total cost of \$429,767.00, authorize the City's Manager of the Purchasing Division to issue a purchase order, and reject all other bids.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB: bdf

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
James Grigsby, Fire-EMS Chief
Robert L. White, Manager, Purchasing

CM02-00028

Bid Tabulation
Bids were received, publicly opened and read at 2:00 p.m., December 27, 2001
For
1500 GPM Fire Engine with Water Tower
Bid Number 01-11-26

Description	Kovatch Mobile Equipment Corporation	Pierce Manufacturing, Inc.
(1) new 1500 GPM Fire Engine with Water Tower	\$429,767.00*	\$440,878.00
Delivery	340 days	240 days

* Indicated Recommendation

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Fleet Management Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 Fleet Management Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Capital Outlay (1) \$ 4,534,277

Retained Earnings

Retained Earnings - Available for Appropriation (2) \$ 42,233

1) Vehicular Equipment	(017-440-2642-9010)	\$	429,767
2) Retained Earnings -			
Available for			
Appropriation	(017-3348)	(429,767)

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION accepting the bid of Kovatch Mobile Equipment Corporation for the purchase of one new fire 1500 GPM fire engine with water tower, upon certain terms and conditions; and rejecting all other bids made for such item.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The bid submitted by Kovatch Mobile Equipment Corporation, for the purchase of one new 1500 GPM fire engine with water tower, at a cost of \$429,767.00, as is set forth in the letter to this Council dated February 19, 2002, which bid is on file in the Purchasing Department and is in full compliance with the City's specifications made therefor, is hereby ACCEPTED.

2. The City's Manager of the Purchasing Department is hereby authorized and directed to issue the requisite purchase order therefor, incorporating into the purchase order the City's specifications, the terms of the bidder's proposal and the terms and provisions of this resolution.

3. Any and all other bids made to the City for the aforesaid item are hereby REJECTED, and the City Clerk is directed to notify each such bidder and to express to each the City's appreciation for such bid.

ATTEST:

City Clerk.

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Office of the City Manager

February 19, 2002

Honorable Ralph K. Smith, Mayor
 Honorable William H. Carder, Vice Mayor
 Honorable William D. Bestpitch, Council Member
 Honorable C. Nelson Harris, Council Member
 Honorable W. Alvin Hudson, Jr., Council Member
 Honorable William White, Sr., Council Member
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Competitive Negotiation
 For Services

Background:

The City desires the opportunity to consider entering into a contractual agreement with a provider of Virginia State Certified Incident Based Reporting software and software services for the following:

- A client based Incident Based Reporting system to be run on Panasonic CF-28 computers in the City's Police Patrol vehicles.
- Develop or assist in the development of both front and backend interfaces to the IBR client application.
- Assist in the implementation of this system and create utilities that further the functionality of this system.

Although the sealed bid method of procurement would normally be used, it is not practicable or fiscally advantageous to the public in procuring the above services. The experience, qualifications, and references of firms that can provide the above listed services are of equal, if not greater, importance than the cost. Issues of experience in the development of Virginia certified IBR, quality of reports, reputation of the software developer, and pricing advantages are of vast importance in the areas of services for the Police Department and the Department of Technology. Additional issues, other than price, for the software design, platform, functionality, reliability, and adaptability to interfaces must be taken into account. The procurement of this software and software services must include a means to evaluate the quality of services to be provided in areas such

The Honorable Mayor and Members of Council
February 19, 2002
Page 2

as customer responsiveness, manpower allocation and financial management. Therefore, the process of competitive negotiation using the request for proposal has been identified as the best method for procurement of these services.

Considerations:

The Code of the City of Roanoke provides, as an alternate method of procurement to using the bid process, a process identified as "competitive negotiation." Prior approval by Council is necessary before the alternate method may be used. See City Code Section 23.1-4 (e). This method will allow for negotiations with two (2) or more providers to determine the best qualified at the most competitive price or rate.

Recommended Action:

City Council authorize the use of competitive negotiation as the method to secure vendors to provide appropriate services as identified in this letter.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB: bdf

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of OMB
Joe D. Slone, Director of Technology
Robert L. White, Purchasing Manager

CM02-00033

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION designating the procurement method known as competitive negotiation, rather than the procurement method known as competitive sealed bidding, to be used for the procurement of Virginia State Certified Incident Based Reporting software and software services; and documenting the basis for this determination.

WHEREAS, the City seeks to procure proposals from vendors to provide the following:

- A client based Incident Based Reporting systems to be run on Panasonic CF-28 computers in the City's Police Patrol vehicles;
- Develop or assist in the development of both front and backend interfaces to the IBR client application;
- Assist in the implementation of this system and create utilities that further the functionality of this system; and,

WHEREAS, this Council finds that the use of the procurement method of competitive negotiation for the above mentioned services will allow for consideration of the factors of experience, qualifications, references, customer responsiveness, manpower allocation, financial management and quality of reports as related to the vendor and software design, platform, functionality, reliability and adaptability to interface which are of equal, if not greater, importance than the cost.

WHEREAS, City Council is of the opinion that such services should be procured by competitive negotiation rather than competitive sealed bidding.

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THEREFORE, BE IT RESOLVED by this Council of the City of Roanoke as follows:

1. Pursuant to Section 23.1-4 (e), Code of the City of Roanoke, (1979), as amended, this Council finds that the procurement method known as competitive sealed bidding is not practicable and/or is not fiscally advantageous to the public for the reasons set forth above for the procurement of Virginia State Certified Incident Based Reporting software and software services.
2. City Council directs that the procurement method known as competitive negotiation shall be used for the procurement of Virginia State Certified Incident Based Reporting software and software services, as more fully set forth in the City Manager's Letter to this Council dated February 19, 2002.
3. This Resolution documents the basis for City Council's determination.

ATTEST:

City Clerk

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Office of the City Manager

February 19, 2002

Honorable Ralph K. Smith, Mayor
 Honorable William H. Carder, Vice Mayor
 Honorable William D. Bestpitch, Council Member
 Honorable C. Nelson Harris, Council Member
 Honorable W. Alvin Hudson, Jr., Council Member
 Honorable William White, Sr., Council Member
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Police Department
 Domestic Violence
 Program Grant

Background:

The Virginia Department of Criminal Justice Services (DCJS) provides grant funding for programs and activities which increase the apprehension, prosecution, and adjudication of persons committing violent crimes against women. The program, "Virginia Services, Training, Officers, Prosecution" (VSTOP), Violence Against Women has funded the establishment of a Domestic Violence Unit within the Roanoke Police Department since 1999.

On December 17, 2001, DCJS awarded the Police Department \$27,003 to employ its full time, non-sworn, Domestic Violence Specialist, thereby allowing continuance of the Domestic Violence Unit in calendar year 2002. The required City in-kind match (\$21,915) will be met through salary paid to current Police Department personnel. The required cash match of \$7,116 will be met through Federal Asset Forfeiture Funds, account # 035-640-3304 (\$5,441) and the Police Department Budget, account # 001-640-3112-2030 (\$1,012) and 001-640-3112-2044 (\$663).

The Domestic Violence Unit collects and interprets relevant domestic violence offense data which allows proactive case intervention and cultivation of the cooperative working relationships with clients and service/adjudication agencies. The program produces more equitable victim-offender criminal justice dispositions related to domestic violence offenses.

Honorable Ralph K. Smith, and Members of City Council
February 19, 2002
Page 2

Recommended Action:

Accept the V-STOP grant of \$27,003 and authorize the City Manager to execute any grant agreements related to such grant. Appropriate funding totaling \$34,119 (State Funds plus local cash match) to V-STOP grant program accounts to be established by the Director of Finance

Transfer local match funding of \$1,675 from Police Department operating accounts to the Grant Account. Establish revenue estimate of \$27,003 and local match estimate of \$7,116 in Grant Fund revenue accounts. The in-kind portion will be tracked but need not be appropriated in the Grant Fund.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:rla

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda Johnson, Assistant City Manager for Community Development
A. L. Gaskins, Police Chief

#CM02-00026

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and Grant Funds Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 General and Grant Funds Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

General Fund

Public Safety	\$	46,649,748
Police Investigation (1-2)		2,303,434
Nondepartmental	\$	71,603,546
Transfers to Other Funds (3)		71,080,841

Grant Fund

Appropriations

Public Safety	\$	2,029,570
Federal Asset Forfeiture Program (4)		295,762
VSTOP Grant CY02 (5-11)		34,119

Revenues

Public Safety	\$	2,029,570
VSTOP Grant CY02 (12-13)		34,119

1) Administrative Supplies	(001-640-3112-2030)	\$	(1,012)
2) Training and Development	(001-640-3112-2044)	(663)
3) Transfer to Grant Fund	(001-250-9310-9535)		1,675
4) Local Match - LLEBG	(035-640-3304-2149)	(5,441)

5) Salaries	(035-640-3321-1002)	\$ 27,003
6) ICMA Retirement	(035-640-3321-1115)	2,200
7) FICA	(035-640-3321-1120)	2,066
8) Health Insurance	(035-640-3321-1125)	1,000
9) Dental Insurance	(035-640-3321-1126)	175
10) Administrative Supplies	(035-640-3321-2030)	1,012
11) Training and Development	(035-640-3321-2044)	663
12) Local Match	(035-640-3321-3323)	7,116
13) State Grant Receipts	(035-640-3321-3324)	27,003

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be
in effect from its passage.

ATTEST:

City Clerk.

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IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION accepting the Virginia Services, Training, Officers, Prosecution (VSTOP) Violence Against Women Grant offer made to the City by the Virginia Department of Criminal Justice Services and authorizing execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke does hereby accept the Virginia Services, Training, Officers, Prosecution (VSTOP) Violence Against Women grant offered by the Virginia Department of Criminal Justice Services in the amount of \$27,003. The grant which requires a \$21,915 in-kind match by the City and a cash match of \$7,116 is more particularly described in the letter of the City Manager, dated February 19, 2000, upon all the terms, provisions and conditions relating to the receipt of such funds.
2. The City Manager and the City Clerk, are hereby authorized to execute, seal and attest, respectively, the grant agreement and all necessary documents required to accept the grant, including any documents providing for indemnification from the City that may be required for the City's acceptance of this grant, all such documents to be approved as to form by the City Attorney.
3. The City Manager is further directed to furnish such additional information as may be required in connection with the City's acceptance of this grant.

ATTEST:

City Clerk.

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Office of the City Manager

February 19, 2002

Honorable Ralph K. Smith, Mayor
 Honorable William H. Carder, Vice Mayor
 Honorable W. Alvin Hudson, Council Member
 Honorable William D. Bestpitch, Council Member
 Honorable William White, Sr., Council Member
 Honorable C. Nelson Harris, Council Member
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Extension of APCo Electric Rate
 and Street Lighting Contracts

Background:

The rates that Appalachian Power Company (sometimes d/b/a American Electric Power) ("APCo") charges to Roanoke for electric service are favorable governmental rates established by contract. Historically, Roanoke has participated with other local governments through the Virginia Municipal League (VML) and the Virginia Association of Counties (VACo) in sponsoring a Steering Committee to negotiate governmental electric power rate contracts every three years. In the past, these contracts have included all three components of retail electric service: (i) generation; (ii) transmission; and, (iii) distribution. Roanoke's current electric rate contract with APCo expires on June 30, 2002, and the street lighting contract expires on December 31, 2002.

Ordinarily, a new local government contract for the time period after June 30, 2002, would be negotiated and presented to City Council for approval. However, in 1999, the General Assembly adopted the Virginia Electric Utility Restructuring Act ("Act") which theoretically granted customers a choice as to the provider of the generation element of their electric service. Under the Act, the other two components of service, transmission and distribution, will continue to be provided by APCo under the existing rate procedure.

Due in part to a proceeding in the Federal Energy Regulation Commission resulting from APCo's attempt to restructure its generating capacity and price computations under the Act, the Steering Committee has been able to negotiate a settlement agreement dated December 18, 2001 whereby APCo has agreed to provide public authorities the following three (3) options: (1) terminate the current contracts on June 30, 2002; or (2) extend the contracts at scheduled rates to December 31, 2003, pursuant to an offer dated February 12, 2001; or (3) (a) to extend the current contracts through June 30, 2007, at rates contained in APCo's unbundled Standard Rate Schedules, or any successor or replacement schedules then on file and approved by the Virginia State Corporation Commission (SCC) and to (b) extend street

Honorable Mayor and Members of City Council
February 19, 2002
Page 2

light service at rates in effect July 1, 2000, but subject to changes in the fuel factor; provided that option (3) is conditioned upon the governmental unit so electing and notifying APCo of its election within 90 days of December 18, 2001, that: (i) it has chosen APCo to provide generation service through June 30, 2007; (ii) that it will not chose a different supplier prior to such date; and (iii) it will not request the SCC to determine rates and provisions for default service different from that provided under its contract, as amended by option (3).

It should be noted that the settlement agreement, dated December 18, 2001, is subject to certain conditions, including approval by the SCC. A copy of such Agreement is attached as Exhibit A. In the event these conditions are not met, the agreement would terminate and expire as of December 31, 2003.

Currently available information suggests that during the period of July 1, 2002, through June 30, 2007, there will be no real open market competition for APCo in the City's service area and there will be no other source practicably available to supply electricity service and delivery thereof and to supply street lighting service for the entire needs of the City of Roanoke at established rates for such service as negotiated by the Steering Committee. According to the Steering Committee, APCo's generation rate structure is one of the lowest in the country. In a January 10, 2002, memorandum to members of the Steering Committee from counsel, it is noted that APCo has conducted a pilot program whereby APCo's retail customers could select an alternative service provider for generation service and yet not a single customer switched to an alternative provider during the entire time of the program. A copy of such memo is attached as Exhibit B.

In addition, a January 18, 2002, report by GDS Associates, Inc., a consultant retained by the Steering Committee to evaluate the reasonableness of APCo's settlement proposal, concluded that competitive retail market prices available to public authorities for the generation component of electric service are likely to be at least 50% higher than the charges for comparable service under the proposed settlement agreement. A copy of the GDS report is attached as Exhibit C. In addition, the Steering Committee has informed public authorities that market prices for electricity in the next 5 to 7 years are likely to be extremely volatile which will make budgeting extremely difficult.

The Steering Committee has recommended in a memo dated January 14, 2002, that all jurisdictions in the APCo service area elect option (3) to extend contracts from June 30, 2002, through June 30, 2007, including street light contracts, at the rates and subject to the conditions all as set forth in the settlement agreement. A copy of such memo is attached as Exhibit D. In accordance with the terms of the proposed settlement, a governing body electing option (3) must do so by resolution or ordinance and notify APCo through the Steering Committee's counsel no later than March 18, 2002. At this time, Counsel for the Steering Committee has indicated that most, if not all, of the eligible jurisdictions and public authorities in the APCo service area, including Roanoke County, intend to elect option (3).

Honorable Mayor and Members of City Council
 February 19, 2002
 Page 3

Recommendation:

1. Council determine that APCo is the only source practicably available to provide the electric rate and street lighting services set forth above.
2. Accept the offer of APCo to extend its current contract for electric service on a bundled basis from July 1, 2002 through June 30, 2007, as set forth in the settlement agreement, and as agreed to and recommended by the Steering Committee, and also to extend the City's street lighting contract through June 30, 2007.
3. Agree that in accordance with the conditions in APCo's offer that (i) Council has chosen APCo to provide generation service through June 30, 2007, (ii) that Council will not choose a different supplier prior to such date, and (iii) that Council will not request the State Corporation Commission to determine rates and provisions for default service different from that provided in the contracts, as amended and extended as set forth above.
4. Authorize the City Manager to execute and deliver on behalf of the City all documents, in a form approved by the City Attorney, and take such further action as shall be deemed appropriate or necessary to carry out the foregoing actions.
5. Direct the City Clerk to notify APCo of the aforesaid election and agreement by transmitting a copy hereof to counsel for the Committee, Howard W. Dobbins, 1021 East Cary Street, P.O. Box 1320, Richmond, VA 23218-1320, who is authorized to deliver the same to APCo.

Sincerely,



Darlene L. Burcham
 City Manager

DLB/RKB/gpe

Attachments

c: Mary F. Parker, City Clerk
 William M. Hackworth, City Attorney
 Jesse A. Hall, Director of Finance
 Dr. E. Wayne Harris, Superintendent of Roanoke City Schools
 Jacqueline Schuck, Executive Director, Roanoke Regional Airport
 Robert K. Bengtson, P.E., Director of Public Works

CM02-00032

Exhibit "A"

WOODS, ROGERS & HAZLEGROVE

Attorneys at Law

ANTHONY GAMBARDIELLA
804 343-5022
agambardi@woodsrogers.com

December 18, 2001

BY HAND

Thomas B. Nicholson, Esquire
Williams, Mullen, Clark & Dobbins
Two James Center
1021 East Cary Street
Richmond, Virginia 23219

Re: Virginia Public Authority Customers of Appalachian Power Company

Dear Mr. Nicholson:

As legal counsel for Appalachian Power Company, American Electric Power Service Corporation and American Electric Power Company, Inc., I am authorized to make the offer set forth below. As we discussed on the telephone with Mr. Bacha, the following offer will remain open until 5:00 p. m., EST. Thursday, December 20, 2001. It is our understanding that you are authorized to accept this offer on behalf of the Town of Wytheville, Virginia and the VML/VACO APCo Steering Committee and to execute the Virginia / West Virginia Settlement Agreement at FERC, in Docket Nos. EC01-130-000 and ER01-2668-000, on their behalf.

Accordingly, the Companies set forth the following terms:

* * *

In exchange for the Town of Wytheville, Virginia, and the VML/VACO APCo Steering Committee becoming signatories to the Settlement Agreement Among American Electric Power Service Corporation, American Electric Power Company, Inc. And Virginia And West Virginia Parties ("Virginia/West Virginia Settlement Agreement") in AEP's pending corporate separation filing at FERC, in Docket Nos. EC01-130-000 and ER01-2668-000, and subject to the conditions set forth in items A., B. and D., herein, APCo would agree to offer an amendment to the current contract of each local government and other political subdivision of the Commonwealth of

27 East Main Street, Suite 1200, Richmond, Virginia 23219
804 343-5020 Fax 804 343-7022
Internet e-mail@woodsrogers.com
Offices also in Raleigh, Charlotte and Winston-Salem, Virginia

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Thomas B. Nicholson, Esquire
December 18, 2001
Page 2

Virginia ("Virginia Public Authority Customer" or "PA Customer") served by Appalachian Power Company ("APCo") that incorporates the elements set forth in Item C., herein.

A. The VML/VACo APCo Steering Committee will recommend to each PA Customer served by APCo that it enter into an amendment to its current contract that incorporates the elements set forth in Item C., herein.

B. Within 90 days of the date that the Town of Wytheville, Virginia, and the VML/VACo APCo Steering Committee become signatories to the Virginia/West Virginia Settlement Agreement, each PA Customer served by APCo shall notify APCo, in writing, that it has elected one of the following options: 1.) to terminate its current contract on June 30, 2002; 2.) to extend its contract through December 31, 2003, per the terms set out in the letters dated February 12 and February 15, 2001, which were exchanged between APCo and counsel for the VML/VACo APCo Steering Committee; or, 3.) to extend its current contract through June 30, 2007, per the terms set forth in Item C., herein. If a PA Customer fails to provide such notice, then that PA Customer will be deemed to have elected option 1.), above; provided, however, that the 90 day response period will be extended an additional 30 days if a PA Customer provides written notice to APCo within said 90 days that, despite good faith effort, the PA Customer needs additional time for its governing body to act upon such options. Once a PA Customer makes an election hereunder, that PA Customer shall not be entitled to any other option from APCo; provided, however, that if a PA Customer has elected to extend its contract through June 30, 2007, but APCo does not become obligated to enter into the amendment provided for under Item C. herein, then APCo will execute an amendment with such PA Customers that extends their current contracts through December 31, 2003, per the aforementioned letters dated February

Thomas B. Nicholson, Esquire
December 18, 2001
Page 3

12 and 15, 2001, and containing the fuel protections set forth in the Virginia/West Virginia Settlement Agreement.

C. Subject to the conditions contained herein, APCo agrees to execute with each PA Customer that has elected to extend its current contract through June 30, 2007, an amendment that revises that PA Customer's current contract as follows:

1. The amendment will incorporate the modifications and contract extensions agreed upon in the aforementioned letters dated February 12 and February 15, 2001.
2. The contract term would be further extended to cover the period January 1, 2004 through June 30, 2007 ("Contract Extension Period"). No PA Contract shall be sold, assigned, or transferred to any other entity, including an affiliate of APCo, without the express written permission of the affected PA Customer; provided, however, that such permission shall not be unreasonably withheld.
3. Rates.
 - a. The rates for service from July 1, 2002 through June 30, 2007 shall be those contained in APCo's unbundled Standard Rate Schedules SGS, MGS, LGS, LPS-TOD and/or OL, or any successor or replacement to such Standard Rate Schedules, then on file with and approved by the Virginia State Corporation Commission ("VA SCC"), as applicable to the individual PA Customer accounts. If no such rates are on file with the VA SCC because it has terminated such rates, then the rates contained in the last applicable Standard Rate Schedules shall be charged by APCo to the

Thomas B. Nicholson, Esquire
December 18, 2001
Page 4

PA Customer accounts through June 30, 2007; provided, however, to accommodate the fuel protections contained in the Virginia/West Virginia Settlement Agreement, the Parties will agree to enter into good faith negotiations to develop a reasonable fuel adjustment mechanism. The fuel protections contained in the Virginia/West Virginia Settlement Agreement will be applicable to the PA Customers when they become effective for APCo's other Virginia retail customers, through June 30, 2007.

b. The rates for Street Lighting ("SL") shall be those in effect July 1, 2000, but shall be subject to changes in the fuel factor, including the fuel protections contained in the Virginia/West Virginia Settlement Agreement, through June 30, 2007.

4. Revenues from PA Customer billings will be based on the unbundled components of the applicable retail tariffs. SL revenues will be unbundled into the applicable components.
5. Each PA Customer that elects to extend its current contract through June 30, 2007, will agree that 1) it has chosen APCo to provide generation service through June 30, 2007; 2) it will not choose a different generation supplier prior to June 30, 2007; and, 3) it will not request that the VA SCC determine rates and provisions for default service from APCo different than that provided for under its current contract, as amended herein. Nothing in the preceding sentence shall apply to preclude any PA Customer from qualifying for or receiving default

Thomas B. Nicholson, Esquire
December 18, 2001
Page 5

service from a different default service provider in the event that such a provider has been named and APCo fails to deliver under the contract. APCo and the PA Customer will further agree that the types of interruptions of service provided for under the existing PA Customer contracts and any applicable Standard Rate Schedules shall not constitute a failure to deliver for purposes of § 56-585 of the Code of Virginia.

6. The Extension of Service provision shall be as contained in the current contract. However, if the VA SCC approves a change in the extension of service provisions applicable to the Standard Rate Schedules identified in 3.a., above, to utilize revenues which exclude generation and/or other revenue components, then such a change shall be reflected in the Extension of Service provision of the contract applicable to the PA Customers.
7. The information to be provided under the TENTH paragraph of the current contract will be provided in electronic form to a single designated representative of the PA customer group ("Designated Representative"), as designated by the Executive Directors of the Virginia Municipal League and the Virginia Association of Counties, at no expense to the Customer for the first request, within 90 days of receiving the request, but in any event not later than January 1, 2007. APCo shall comply with any reasonable additional requests from the Designated Representative for the data described in the TENTH paragraph, but no more frequently than once in any calendar year, and the Customer agrees to pay for such data. In the event that a PA Customer elects, pursuant to Item B. herein,

Thomas B. Nicholson, Esquire
 December 18, 2001
 Page 6

only to extend its current contract through December 31, 2003, then APCo agrees to provide to the Customer only available information specific to that PA Customer, at no expense for the first request, within 90 days of receiving the request, but in any event not later than June 30, 2003, and APCo shall comply with any reasonable additional requests from that PA Customer for the data specific to that PA Customer, but no more than once in a single calendar year, and the Customer agrees to pay for such data.

8. The date by which a cost-of-service based distribution rate shall be negotiated by the parties will be changed to January 1, 2007, to establish rates for distribution service to be effective after June 30, 2007. By May 1, 2006, AEP will provide to the Designated Representative a proposed distribution revenue requirement and distribution rate(s) based on the cost of providing distribution service to the PA Customers, together with the underlying distribution cost-of-service study and supporting workpapers. APCo agrees to comply with all reasonable additional requests for information in accordance with the terms of the current contract.

D. AEP and the Town of Wytheville, Virginia, and the VML/VACo APCo Steering Committee agree that APCo's obligation to execute the amendments described in Item C. above, in addition to being conditioned upon the actions required in Items A. and B. above, shall not become binding upon APCo until the following conditions are met: 1) all of the events specified in Section VII, paragraph number 6, subsections a. through c. of the Virginia/West Virginia Settlement Agreement have occurred, and 2) the VA SCC has issued an order approving Exempt Wholesale Generator ("EWG") status for the generating units identified in Section IV.1 of the

Thomas B. Nicholson, Esquire
 December 18, 2001
 Page 7

Virginia/West Virginia Settlement Agreement. If condition 2) of this paragraph is not met, APCo will agree that if it is named the default service provider in its service territory and a PA Customer that elected to extend its current contract through June 30, 2007, becomes a default service customer of APCo's on January 1, 2004, then the fuel protections contained in the Virginia/West Virginia Settlement Agreement will be applicable to that PA Customer through June 30, 2007.

If you agree with these terms, please execute the two copies of this letter on behalf of the Town of Wytheville and the VML/VACO APCo Steering Committee and return one copy to me.

Very truly yours,

WOODS, ROGERS & HAZLEGROVE, P.L.C.
 ON BEHALF OF
 APPALACHIAN POWER COMPANY, AMERICAN
 ELECTRIC POWER SERVICE CORPORATION, and
 AMERICAN ELECTRIC POWER COMPANY, INC.

BY: Anthony Lombardella

Accepted and Agreed:

TOWN OF WYTHEVILLE, VIRGINIA
 VML/VACO APCo STEERING COMMITTEE

BY: [Signature]



WILLIAMS MULLEN

Exhibit "B"

MEMORANDUM

TO: VML/VACo APCo Steering Committee
Key Officials of Local Governments and Political Subdivisions
Served by Appalachian Power Company

FROM: Howard W. Dobbins, Counsel to the Steering Committee
Thomas B. Nicholson, Counsel to the Steering Committee

DATE: January 10, 2002

RE: Update on State and Federal Regulatory Activities
Electric Service Contract Extension Opportunity

The purpose of this memorandum is threefold:

- (1) to provide an update concerning the participation of the VML/VACo APCo Steering Committee ("Steering Committee" or "Committee") and the Town of Wytheville in Case No. PUE010011, Appalachian Power Company's ("APCo" or the "Company") Functional Separation Plan, which was filed with the State Corporation Commission ("Commission" or "SCC");
- (2) to provide an update concerning the settlement of the Virginia-specific issues raised by American Electric Power's ("AEP") proposals that were filed with the Federal Energy Regulatory Commission ("FERC") to change, among other things, the pricing of wholesale power purchased through the AEP Interconnection Agreement from a cost-of-service basis to market-based pricing; and
- (3) to provide an overview of the separate Settlement Agreement reached by the Steering Committee and the Town of Wytheville, and the resulting contract extension offer to Local Governments and Political Subdivisions served by APCo.

I. APCo CORPORATE SEPARATION PLAN, SCC CASE NO. PUE010011.

On January 3, 2001, APCo filed an application to effect, among other things, a corporate separation of its generation, transmission and distribution assets and operations (as amended, the

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"Corporate Separation Plan"). The Corporate Separation Plan called for the Company to separate its generation assets and operations from its transmission and distribution assets and operations by forming a "non-regulated affiliate generation company (Genco) and transferring thereto its generation assets." The Application was filed to satisfy the Company's obligations set forth in Virginia Code § 56-590 B of the Virginia Electric Utility Restructuring Act ("Restructuring Act"), the Regulations Governing the Functional Separation of Incumbent Electric Utilities Under the Virginia Electric Utility Restructuring Act, 20 VAC 5-202-10 *et seq.*, and the Utility Transfers Act, Virginia Code § 56-88 *et seq.* ("Transfers Act"). The Company also requested that the Commission make certain determinations called for under the Public Utility Holding Company Act of 1935, as amended ("PUHCA") with respect to the Corporate Separation Plan. The Steering Committee and the Town of Wytheville participated in this proceeding to assure that the interests of the local governments and political subdivisions (collectively, the "Public Authorities") served by APCo were represented.

This matter was brought on for hearing before the Commission on October 29, 2001. During the course of the public hearing, several stipulations were filed for the Commission's review and approval. These stipulations collectively were intended to resolve nearly all of the outstanding issues raised by the parties in conjunction with APCo's proposal. Of these stipulations, one effected a resolution of the manner of functional separation, while another effected a resolution of the rate unbundling issues, with limited exceptions. The salient features of these two stipulations are as follows:

Functional Separation Stipulation. APCo and the other signatories to the Functional Separation Stipulation agreed that

- (1) On and after January 1, 2002, APCo will continue the current functional separation of its distribution, transmission and generation functions by division and operate under the terms of its Supplemental Filing (Functional Separation Plan) filed May 15, 2001;
- (2) APCo will not impose any wires charge during calendar year 2002 on retail customers that select an alternative supplier ("Competitive Service Provider" or "CSP");
- (3) There will be a further inquiry into the terms and conditions for the proposed transfer of generation assets to an affiliate, to be conducted during calendar year 2002. This inquiry will examine, among other things, conditions necessary for the maintenance of reliable electric service and the development of an effectively competitive market for generation services; and
- (4) APCo will continue to use its best efforts to provide reliable service and to minimize generation costs to its retail customers.

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Rate Unbundling Stipulation. APCo and the other signatories to this Stipulation agreed that, among other things:

- (1) APCo's separate, "unbundled" generation, transmission and distribution revenues would be those agreed to by the parties and as described further in the Stipulation and other documents;
- (2) The Company's proposed rate designs, except as modified in the Stipulation, should be adopted; and
- (3) The Standard and Open Access Distribution tariffs filed by APCo should be approved, as specifically revised by the Stipulation.

The Commission issued its *Order on Functional Separation* on December 18, 2001. This Order found, among other things, that the Stipulations were reasonable and in the public interest, and should be adopted in full. Notably, the Order acknowledged that the parties reserved all rights in all other pending matters both federal and state. As set forth above, the Stipulations and the Order also preserve the parties' arguments concerning the merits of APCo's Corporate Separation Plan, and the Commission will conduct a further inquiry into the terms and conditions for the proposed transfer of generation assets to an affiliate later this year. As set forth in the Functional Separation Stipulation, this inquiry will examine, among other things, conditions necessary for the maintenance of reliable electric service and the development of an effectively competitive market for generation services.

II. AEP'S OTHER RESTRUCTURING ACTIVITIES AND PROPOSED CHANGES TO THE AEP INTERCONNECTION AGREEMENT, FERC DOCKET NOS. EC01-130-000, ER01-2668-000

On July 24, 2001, AEP, on behalf of itself, the AEP Operating Companies (including APCo), and other AEP entities, made filings at FERC for authority to transfer certain FERC-jurisdictional facilities. FERC authorization for these transfers is needed in order to implement the respective corporate separation plans of AEP's Ohio and Texas Operating Companies. AEP also filed initial and amended rate schedules in connection with the corporate restructuring plans involving AEP's Ohio and Texas Operating Companies (collectively, the "FERC Filings"). The Ohio and Texas Operating Companies' corporate restructuring plans are similar in concept to the Corporate Restructuring Plan proposed by APCo in Virginia and described above.

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As filed, the FERC Filings would have changed substantially the wholesale power supply agreement, known as the AEP Interconnection Agreement,¹ among AEP's five AEP-East Operating Companies. Since the AEP Interconnection Agreement is a wholesale power arrangement, and does not involve direct sales to end users, it is subject to the jurisdiction of the FERC.

Historically, the generation resources among APCo and the other AEP-East Operating Companies have been shared as part of a common generation "Pool," allowing the five AEP-East Operating Companies to operate in an integrated fashion. In the FERC Filings, AEP proposed to remove from the five-member Pool two of APCo's sister Operating Companies that operate in Ohio,² which own generation in excess of the needs of their customers ("generation-long"), and sell power at market-based rates to the three remaining AEP-East Operating Companies, including APCo, that do not own or control sufficient generation to serve their local needs (i.e., "generation-short" companies). Currently, these sales are made among the five AEP-East Operating Companies on a FERC-regulated cost-of-service basis, not a market price basis.

A. Impact of AEP's Proposed Changes to the AEP Interconnection Agreement on the Cost Of Electricity Provided to the Public Authority Customers of APCo.

Under the terms of the Public Authority Tariff No. 8, Schedule P.A. ("P.A. Tariff"), which is incorporated in the Public Authorities' current contracts with APCo, APCo recovers its costs of fuel through the Fuel Adjustment Factor. The Fuel Adjustment Factor is determined by comparing the fuel costs and kilowatt-hour ("kWh") sales for the base period to the current period's fuel costs and kWh sales. Fuel costs are the sum of (a) fossil and nuclear fuel consumed in APCo's plants and APCo's share of fuel consumed in jointly owned/leased plants; (b) emission allowance costs; (c) actual identifiable fuel costs associated with energy purchased (other than economic dispatch energy); and (d) the net energy cost of energy purchases, exclusive of capacity and demand charges, for energy purchased on an economic dispatch basis; minus (e) the cost of fossil fuel, emission allowances and nuclear fuel recovered through inter-system sales by APCo.

Under the present AEP Interconnection Agreement (the P.A. Tariff refers to "inter-system sales"), the FERC-approved formula used to calculate payments for inter-system sales has produced fairly predictable changes in the Fuel Adjustment Factor. These inter-system sales had been based on the cost of service of the AEP-East Operating Companies' generation. AEP's

¹ APCo and the Ohio Operating Companies are part of the AEP system referred to as "AEP-East". The AEP Interconnection Agreement between APCo and the other AEP-East Operating Companies has been in existence since 1951.

² The Ohio Operating Companies are Ohio Power Company and Columbus Southern Power Company.

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proposal to introduce market-based pricing to inter-system sales has disrupted a practice that has been in place for decades.

AEP's original proposal could have had a negative impact on the cost of electricity purchased by the Public Authority customers. In particular, the costs associated with energy purchases and the net energy costs of economic dispatch purchases could be impacted significantly by the FERC filing, depending on the revisions to the AEP Interconnection Agreement. This is particularly relevant to Public Authority customers, since the Fuel Adjustment Factor per kWh presently is calculated monthly with no explicit "cap" or restriction on how high the prices for these inter-system sales could climb. The current AEP Interconnection Agreement, though, has capped these inter-system sales at cost, rather than volatile market-based prices. In addition, the Public Authorities' Fuel Adjustment Clause is not subject to the Virginia Commission's jurisdiction or approval, but instead is part of a private contractual arrangement between APCo and the Public Authority customers.

The Town of Wytheville and the Steering Committee participated in these FERC cases as well, given the potential of AEP's proposal to negatively and significantly impact the Public Authority customers by passing increased costs of purchased power through the Fuel Adjustment Factor. This in turn would cause the Public Authority customers to pay higher total rates, because APCo's power purchases on behalf of the Public Authority customers would include market-based prices for at least a portion of their energy needs.

B. Through the Active Participation Steering Committee and the Town of Wytheville, the Public Authority customers of APCo are Entitled to Receive the Benefits and Protections of the Comprehensive Offer of Settlement.

The FERC directed its Chief Administrative Law Judge to appoint a Settlement Judge to oversee settlement procedures between the parties. Through their representatives, the Town of Wytheville and the Steering Committee participated extensively in the negotiations that resulted in APCo's comprehensive offer of settlement. This comprehensive offer of settlement consists of the Settlement Agreement Among American Electric Power Service Corporation, American Electric Power Company, Inc. And Virginia And West Virginia Parties (the "Virginia/West Virginia Settlement Agreement") and a separate side agreement ("APCo/PA Settlement Agreement") whereby APCo has agreed to offer an amendment to the current contract of each Public Authority Customer ("APCo Contract Extension Offer"). Copies of the Virginia/West Virginia Settlement Agreement and the APCo/PA Settlement Agreement accompany this memorandum. Each of these documents is discussed in greater detail below in Section III.

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III. COMPREHENSIVE OFFER OF SETTLEMENT.

A. Virginia/West Virginia Settlement Agreement.

1. *Scope and Effect of the Virginia/West Virginia Settlement Agreement*

On December 21, 2001, AEP submitted the settlement agreements, including the Virginia/West Virginia Settlement Agreement (collectively, the "Combined Offer of Settlement"), to the FERC for approval. AEP has requested that the FERC approve the proposed transfers and accept the proposed rate schedules by February 20, 2002.

The parties to each settlement agreement, including the Virginia/West Virginia Settlement Agreement, generally acknowledge that their agreement resolves all issues between them in the FERC dockets including, for the parties in the AEP-East region: (a) the removal of Ohio Power Company ("OPCO") and Columbus Southern Power Company ("CSP"), and their generating resources associated with each of them, from the AEP-East Interconnection Agreement; (b) the terms and conditions of the proposed Restated and Amended AEP-East Interconnection Agreement; (c) the power supply resources for Wheeling Power Company in West Virginia with respect to AEP's restructuring; (d) the terms and conditions of the Restated and Amended System Integration Agreement; and (e) the transfers and rate schedules proposed by AEP in the FERC dockets.

Settlements with the Virginia Parties³ and the West Virginia Parties⁴ are combined in the Virginia/West Virginia Agreement, reflecting the fact that APCo serves customers in both jurisdictions. The principal substantive provisions of the Virginia/West Virginia Settlement Agreement are the following:

³ The "Virginia Parties" are the Virginia Commission and the Old Dominion Committee for Fair Utility Rates, for itself and as representative of Virginia industrial customers of APCo, and the Town of Wytheville and the VML/VACo APCo Steering Committee.

⁴ The "West Virginia Parties" are the West Virginia Public Service Commission, the Public Service Commission of West Virginia Consumer Advocate Division; and the West Virginia Energy Users Group. For purposes of intervention in these dockets and participation in the Virginia-West Virginia Agreement, the West Virginia Energy Users Group consists of the following member companies: Bayer Corporation; E.I. du Pont de Nemours and Company; Huntington Alloys, a Special Metals Company; PPG Industries, Inc.; and Union Carbide Corporation.

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a. APCo Virginia Fuel Factor Costs

The Virginia/West Virginia Settlement Agreement specifies the fuel costs that APCo may recover from Virginia retail customers during the period January 1, 2002 through June 30, 2007,⁵ and provides what is referred to as "Net Energy Cost Protection." During this period, AEP's power marketing affiliate ("PMA") will make available to APCo for the period January 1, 2002-June 30, 2007 the peaking supply purchase options ("Peaking Supply Options") that are described in Attachment A to the Virginia/West Virginia Settlement Agreement.⁶ The pricing for the Peaking Supply Options will only apply to power purchased pursuant to the options, and will not apply to power generated by APCo, APCo's purchases from the Pool, or purchases from other market sources.

Combined with the power supply arrangements described below, the Net Energy Cost Protection responds to concerns raised by the Virginia Parties concerning possible impacts on the fuel costs of APCo's retail customers.

b. Power Supply Arrangements for Wheeling Power Company (West Virginia)

Another concern expressed by the Virginia Parties and the West Virginia Parties was the transfer to APCo of Ohio Power Company's ("OPCO") supply obligations with respect to the Wheeling Power customer load in West Virginia without a corresponding transfer of additional electric generation supply. To resolve this concern, the Virginia/West Virginia Agreement provides that PMA will deliver the full requirements of power needed to serve Wheeling Power's native load from the effective date of the agreement through December 31, 2006. The Wheeling Power load will be removed from APCo's supply requirements, and neither the Wheeling Power load nor PMA's Wheeling Power supply contract with APCo will affect Virginia supply costs. AEP has agreed to fixed rate energy and demand charges and a fixed customer charge, subject to West Virginia Expanded Net Energy Costs ("ENEC") proceedings.

⁵ Pursuant to the Virginia/West Virginia Settlement Agreement, APCo will file for revision of its definitional framework for the recovery of fuel costs with the Virginia Commission. The Virginia Commission has agreed to expedite its decision, and the Virginia Commission Staff has agreed to provide written assurance that it will support the revisions described in the Virginia/West Virginia Agreement. The Virginia/West Virginia Settlement Agreement does not constitute pre-approval of the prudence or reasonableness of APCo's fuel costs, and nothing in the agreement shall be interpreted to require the Virginia Commission to approve unreasonable or imprudent costs.

⁶ AEP has requested confidential treatment for Attachment A of the Virginia/West Virginia Settlement Agreement, which contains the terms, conditions, and pricing of the Peaking Supply Options. Accordingly, Attachment A will not be included in the materials distributed with this memorandum.

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c. General APCo Power Supply Arrangements

The Virginia/West Virginia Settlement Agreement provides that PMA will make available to APCo the peaking supply purchase options for the period January 1, 2002 through June 30, 2007. In addition PMA commits to provide 150 megawatts ("MW") of firm power to APCo in the years 2007 and 2008.

d. Exempt Wholesale Generator Status

The parties to the Virginia/West Virginia Settlement Agreement and the other State settlement agreements (other than the State Commissions themselves), as well as the parties to several of the customer settlement agreements, have agreed not to oppose the issuance of orders by State Commissions making the findings necessary to confer Exempt Wholesale Generator ("EWG") status on the generating units operated by AEP electric utility company subsidiaries that currently serve customers in the states of Ohio and Texas, as well as on Units 3 and 4 of the Northeastern Station of Public Service Company of Oklahoma.⁷ The State Commissions have not agreed to make such findings, but several commissions including the Virginia Commission have agreed to expedite their decisions, consistent with the requirements of state law and due process. Further, assuming that AEP's EWG application is successful, most of the parties (other than the State Commissions) have agreed not to oppose subsequent Securities and Exchange Commission ("SEC") approval of adding the net book value of those generating units to the amount AEP is permitted to invest in EWGs pursuant to SEC Rule 53 under PUHCA.

e. Authority Necessary to Effect Restructuring

The parties to the Virginia/West Virginia Settlement Agreement (except the State Commissions themselves) have agreed not to oppose authorization by any regulatory agency having jurisdiction permitting borrowing between an affiliate and any company holding common stock in the affiliate, and have further agreed not to oppose the transfer of the common stock of APCo or Wheeling Power to a regulated "Holdco". This aspect of the Virginia/West Virginia Settlement Agreement is not intended to be, and shall not be interpreted as, pre-approval by any State Commission of any requisite state approval.

⁷ In general, such applications request that the state commission find that EWG status is in the public interest and that it make the findings required under Section 32(c) of the Public Utility Holding Company Act of 1935 ("PUHCA"), 15 U.S.C. § 79z-5a (c) (1994).

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f. Capacity Sharing Agreement

The Virginia/West Virginia Settlement Agreement is predicated upon the proposed AEP-East Interconnection Agreement being revised to provide explicitly for a pooling of resources among the three remaining AEP Operating Companies for the purpose of satisfying any applicable operating reserve requirements, so that diversity benefits may be retained by the three-company Pool. The three remaining AEP Operating Companies intend to continue to redispatch their generation resources jointly as required to relieve any transmission constraints.

2. *Effective Date*

The Virginia/West Virginia Settlement Agreement provides that the effective date of the settlement shall be on the earliest date on which all of the following have occurred:

- (a) the FERC has issued a final Order or Orders approving AEP's corporate restructuring plan as modified by the Virginia/West Virginia Settlement Agreement and the combined offer of settlement;
- (b) AEP has transferred the transmission and distribution assets of OPCO and CSP, including interconnection agreements with neighboring utility systems, to newly-formed subsidiaries and makes effective power supply agreements whereby the OPCO and CSP Power Generating Companies ("PGCs") sell capacity and energy to AEP's newly formed Power Marketing Affiliate ("PMA"); and
- (c) AEP has provided the FERC with not less than 30 days' written notice that the Restated and Amended AEP-East Interconnection Operating Agreement and the Restated and Amended System Integration Agreement are to become effective as rate schedules in accordance with their terms.

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B. APCo/PA Settlement Agreement.

1. *Scope and Effect of the APCo/PA Settlement Agreement*

As settlement discussions between APCo and the representatives for the Steering Committee and Town of Wytheville progressed, it became evident that there was a "jurisdictional gap" that needed to be addressed for the Public Authority customers to enjoy the benefits and protections of any settlement. That jurisdictional gap exists because APCo's contracts with the Public Authority customers are not subject to the jurisdiction of the Virginia Commission, whereas the Virginia/West Virginia Settlement Agreement provides Net Energy Cost Protection through the mechanism of the Virginia Fuel Factor that is subject to the jurisdiction of the SCC. Moreover, there is some question whether the Restructuring Act provides capped rate or default rate protections from high market prices for public authorities in the APCo area, placing the jurisdictions at a possible disadvantage in the event they elect to contract with a Competitive Service Provider, or if such alternative supplier should default and be unable to provide the electricity.

A gap also exists because the present Public Authority contracts with APCo only extend to June 30, 2002. Since these contracts do not extend to June 30, 2007, the protections afforded through the Virginia/West Virginia Settlement Agreement would be of limited duration and effect, depriving the Public Authority customers the "benefit of the bargain."

These gaps are addressed through the APCo/PA Settlement Agreement. In exchange for the Town of Wytheville and the Steering Committee becoming signatories to the Virginia/West Virginia Settlement Agreement, and subject to the conditions set forth in the APCo/PA Settlement Agreement, APCo has agreed to offer an amendment to the current contract of each Public Authority customer served by APCo that incorporates the elements set forth in the APCo Contract Extension Offer.

The Steering Committee has agreed to recommend to each Public Authority customer served by APCo that it enter into an amendment to its current contract that incorporates the elements set forth in Item C., found in the APCo/PA Settlement Agreement.

- a. Each Public Authority customer has a choice of three options; however, the Steering Committee has agreed to recommend that each Public Authority customer elect Option 3 set forth below.**

The APCo/PA Settlement Agreement provides that each Public Authority customer has three options with respect to its current and future service from APCo. Once a customer has made an election, that customer shall not be entitled to any other option from APCo; provided, however, that if a customer has elected Option 3 below but APCo does not become obligated to

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enter into the contract amendment provided for under Option 3, then APCo has agreed to execute an amendment that extends the customer's current contract through December 31, 2003 as provided in Option 2 below, and containing the fuel protections set forth in the Virginia/West Virginia Settlement Agreement.

i. Option 1: allow the current contract to expire on June 30, 2002

As this option suggests, customers choosing this option will allow their current contracts to expire on June 30, 2002. At that time, they will need to have selected a Competitive Service Provider to provide retail electric energy. As discussed below, the price at which such service may be offered is likely to be substantially higher than that afforded under the APCo/PA Settlement Agreement. Also, such customer may lose the purchasing power of the Public Authority customer group, as it is unlikely that APCo will continue to consider that customer part of the PA group.

ii. Option 2: extend the current contract through December 31, 2003, per the terms of the letters of the letters dated February 12 and February 15, 2001, that were exchanged between APCo and counsel for the Steering Committee.

This option involves the extension of a Public Authority customer's contract through December 31, 2003 at rates that are contained in APCo's Standard Rate Schedules. The February 12 and February 15, 2001 letters setting forth this understanding accompany this memorandum. Under this option, a Public Authority Customer will obtain the price protection benefits of the Virginia/Vest Virginia Settlement Agreement through the end of 2003, assuming the conditions are met for that agreement to become effective. Unless the entire Public Authority customer group, or a substantial portion of that group, elects this option, the purchasing power of customers electing this option will be diminished.

Customers selecting this option will need to select a Competitive Service Provider to provide retail electric energy by January 1, 2004. The price at which such service may be offered will likely reflect the market prices prevailing at that time, which cannot be determined at this time. Given APCo's status as a low cost provider, such market prices may be substantially higher than those afforded under the APCo/PA Settlement Agreement.

iii. Option 3: extend the current contract through June 30, 2007, per the terms set forth in Item C of the APCo/PA Settlement Agreement.

This option, which is recommended to each Public Authority customer by the Steering Committee, incorporates the modifications and contract extensions agreed upon in the letters

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referred to in Option 2. In addition, the contract term would be further extended to cover the period January 1, 2004 through June 30, 2007.

b. **Those Public Authority customers selecting Option 3 will have the fuel price protections of the Virginia/West Virginia Settlement Agreement through June 30, 2007.**

For those customers electing Option 3, the rates for service from July 1, 2002 through June 30, 2007 shall be those contained in APCo's unbundled Standard Rate Schedules SGS, MGS, LGS, LPS-TOD and/or OL then on file with and approved by the SCC, as applicable to the individual PA Customer accounts.

The rates applicable to the PA Customers shall be adjusted by the same amount and in the same manner as any changes in the nongeneration components of rates approved by the SCC through June 30, 2007. If no such rates are on file with the VA SCC because it has terminated such rates, then the rates contained in the last applicable Standard Rate Schedules shall be charged by APCo to the PA Customer accounts through June 30, 2007; provided, however, to accommodate the fuel protections contained in the Virginia/West Virginia Settlement Agreement, the Parties will agree to enter into good faith negotiations to develop a reasonable fuel adjustment mechanism. The fuel protections contained in the Virginia/West Virginia Settlement Agreement will be applicable to the PA Customers when they become effective for APCo's other Virginia retail customers through June 30, 2007.

The rates for Street Lighting ("SL") shall be those in effect July 1, 2000, but shall be subject to changes in the fuel factor through June 30, 2007.

c. **Those Public Authority customers selecting Option 3 are making a commitment that they have selected APCo to provide generation service through June 30, 2007.**

Each Public Authority customer that elects to extend its current contract through June 30, 2007 makes certain other commitments as well. Customers electing Option 3 also agree that they have chosen APCo to provide generation service through June 30, 2007; that they will not choose a different generation supplier prior to June 30, 2007; and that they will not request that the SCC determine rates and provisions for default service from APCo different than that provided for under their current contracts, as amended pursuant to the APCo/PA Settlement Agreement. By so agreeing, a customer is not thereby precluded from qualifying for default service from a different default service provider in the event that such a provider has been named and APCo fails to deliver under the contract.

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- d. **Each Public Authority customer must notify APCo in writing, within a limited time, that it has elected one of the three options. If a Public Authority customer fails to provide written notice within the prescribed time, APCo will consider that customer to have made an election to terminate its current contract on June 30, 2002.**

The Steering Committee and the Town of Wytheville became signatories to the Virginia/West Virginia Settlement Agreement on December 18, 2001.

ACTION ITEM:

Each Public Authority customer has until March 18, 2002, to notify APCo in writing which of the three options it has selected, or it runs the risk that APCo will deem that customer to have elected Option 1.

APCo has agreed to extend the period by an additional thirty (30) days if the customer provides written notice to APCo that, despite good faith effort, the customer needs additional time for its governing body to act upon such options.

The law firm of Williams Mullen has agreed to coordinate this notification process on behalf of the Public Authority customers. The law firm will develop a data base to track and provide written notice to APCo on behalf of each Public Authority customer that elects to have Williams Mullen provide this written notification. We ask that each Public Authority customer complete and return the attached form indicating that the customer designates us to provide written notice to APCo on the customer's behalf, together with the name(s) of such customer's representative(s) to receive further communications from us concerning this effort.

2. Effective Date

The APCo/PA Settlement Agreement provides that APCo's obligation to execute the contact amendments provided for in Option 3, in addition to being conditioned upon the (a) the Steering Committee's recommendation (provided herein) that each Public Authority customer served by APCo enter into an amendment to its current contract that incorporates Option 3 and the elements set forth in Item C of the APCo/PA Settlement Agreement and (b) the receipt of written notification as described in section III.B.1.d above, shall not become binding upon APCo until the following additional conditions are met: (1) all of the events specified in Section VII, paragraph number 6, subsections a. through c. of the Virginia/West Virginia Settlement Agreement have occurred, and (2) the SCC has issued an order approving Exempt Wholesale

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Generator ("EWG") status for the generating units identified in Section IV.1 of the Virginia/West Virginia Settlement Agreement.

If condition (2) above is not met, APCo has agreed that if it is named the default service provider in its service territory and a Public Authority Customer that elected to extend its current contract through June 30, 2007, becomes a default service customer of APCo's on January 1, 2004, then the fuel protections contained in the Virginia/West Virginia Settlement Agreement will be applicable to that customer through June 30, 2007.

IV. CURRENT MARKET CONDITIONS AND NEXT STEPS.

To assist the Public Authority customers in selecting among the three options set forth in the APCo/PA Settlement Agreement, it is important to consider the state of the retail market in APCo's service territory. APCo has had in place a pilot program whereby APCo's retail customers could select an alternative service provider to provide their generation service. Notably, not a single retail customer switched to an alternative provider during the entire time the pilot program was in effect.

In considering how to respond, each customer must ask whether there is another source practically available to provide such electric services for a contract period lasting until either December 31, 2003 or June 30, 2007 or whether such source would provide a price lower than the "price to beat" reflected in the APCo/PA Settlement Agreement. These questions must also be considered in the context of the limited time by which Public Authority customers must respond to take advantage of APCo's offer to extend the contracts, and whether this time constraint is such that an emergency exists.

In all likelihood, the response period provided for in the APCo/AP Settlement Agreement will not provide sufficient time for a Public Authority customer to correctly assess its entire needs for electric service, whether for the short term or through June 30, 2007, nor is it likely that such customer has sufficient time to prepare and receive requests for proposals and to review, consider, and act upon any proposals which may possibly be received.

As to the price of generation presently obtainable from the wholesale market,⁸ APCo's December 3, 2001 filing in SCC Case No. PUE010306 provides a report ("APCo Market Price Report") showing the results of its base market price calculations and adjustments, as required by ordering paragraph (4) of the Commission's Final Order of November 19, 2001 in that case. These prices will be APCo's "projected market prices" or "prices to beat" for calendar year 2002, unless the Commission determines otherwise.

⁸ Wholesale market prices represent the cost of purchasing electricity in the wholesale market, and as such do not reflect or include any mark-up associated with a retail supplier's additional costs, expenses, and profit.

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Served by Appalachian Power Company
January 10, 2002

When the market-based generation revenues contained in Attachment 12 of the APCo Market Price Report are compared to APCo's total embedded generation revenues (including the Virginia-jurisdictional fuel factor revenues) that were filed as part of APCo's Corporate Separation Plan, the market-based generation revenues substantially exceed APCo's embedded generation revenues for each Virginia customer class. Based upon rough calculations, this difference approaches \$48 million across all customer classes.⁹ Put another way, APCo's retail customers collectively might pay almost \$48 million (approximately 12½ %) more for their electricity today if they were able to find a supplier willing to sell them electricity at the wholesale market prices projected for 2002, as calculated by APCo. Accordingly, it is highly unlikely that a Public Authority customer will find a willing and suitable alternative supplier in the near term to supply electricity at costs that are lower than those the customer will enjoy if that customer elects to extend its contracts under either Option 2 or Option 3.

The Steering Committee has recognized the importance of this decision to each Public Authority customer, and has recommended that informational meetings be scheduled in the near future to afford representatives each Public Authority customer the opportunity to ask questions about the Virginia/West Virginia Settlement Agreement, the APCo/PA Settlement Agreement, and their options. The attorneys at Williams Mullen will be present to discuss the settlement agreements and answer questions. The plans for these meetings are still in the formative stages; however, there will be at least two such meetings that will be held in different locations within APCo's southwest Virginia service territory, so as to provide the greatest opportunity for representatives of each Public Authority customer to participate.

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⁹ This calculation has not been independently verified by representatives of APCo.

Exhibit "C"



Scott Norwood, P.E.
Principal

GDS Associates, Inc.
Engineers and Consultants

Ph: 512.494.5359
Fax: 512.494.0205
scornn@gdsassoc.com

January 18, 2002

Thomas B. Nicholson, Esquire
Williams, Mullen, Clark & Dobbins
Two James Center
1021 East Cary Street
Richmond, VA 23218-1320

RE: APCo's Settlement Rate Offer to Local Government Customers

Dear Tom:

As you requested, GDS Associates, Inc. has evaluated the reasonableness of rates offered by Appalachian Power Company ("APCo") in its December 18, 2001 settlement proposal to the Virginia local governments and political subdivisions (collectively, the "Public Authorities"). As directed, GDS limited its analysis to the rates proposed by APCo for the July 1, 2002 through June 30, 2007 contract extension period (settlement Item C.3.a.). In performing this assessment, GDS has relied upon public information regarding APCo's Virginia retail rates and recent information on competitive market prices in Virginia obtained from public and confidential sources.

APCo's Settlement Rate Offer

APCo's settlement offer would extend the current contracts of the Public Authorities through June 30, 2007. The proposed rates for service after July 1, 2002 would be APCo's unbundled Standard Rate Schedules SGS, MGS, LGS, LPS-TOD and OL, as approved by the Virginia State Corporation Commission ("SCC"). In addition, the proposed settlement provides that rates for street lighting service shall be APCo's SL rates in effect on July 1, 2000, as modified to reflect future changes in the Company's fuel factor. Under Virginia's Electric Utility Restructuring Act ("the Act"), the SCC may terminate such "capped rates" after January 1, 2004 if it finds that competition exists within APCo's service area and that the capped rates are no longer necessary to protect retail customers. While the prospects for such a finding presently appear small, APCo's proposed settlement provides that if the SCC terminates such rates prior to June 30,

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Thomas B. Nicholson, Esquire
January 18, 2002
Page 2 of 5

2007 for any reason, then APCo's last effective approved rates would be charged to the Public Authorities for the remaining term of the agreement.

Table 1 summarizes APCo's proposed settlement rates for major classes over a range of load factors, and includes a breakout of the SCC approved unbundled generation component of such rates. In evaluating the reasonableness of the proposed settlement rates, it is appropriate to compare APCo's unbundled generation charges to available competitive market energy prices, since transmission and distribution charges are expected to remain regulated and non-bypassable for the foreseeable future. While GDS has not evaluated the rates that would apply to individual Public Authority accounts, it understands that the load factor of the group as a whole generally varies over a range of 30% to 70%. As shown in Table 1, APCo's average unbundled generation charges currently range from 2.7 cents/kWh to 3.2 cents/kWh, depending on the load factor of service.

Table 1
Summary of APCo's Standard Rates
(cents/kWh)

	30% LF		50% LF		70% LF	
	Generation	Total	Generation	Total	Generation	Total
SGS	2.71	4.98	2.71	4.81	2.71	4.71
MGS	3.10	5.44	3.10	4.78	3.10	4.41
LGS	3.28	5.95	2.73	4.33	2.49	3.63
LPS-TOD	<u>3.72</u>	<u>5.74</u>	<u>2.86</u>	<u>4.07</u>	<u>2.50</u>	<u>3.36</u>
Average	3.20	5.53	2.85	4.50	2.70	4.03

Market Electricity Prices

The unbundled generation rates presented in Table 1 represent retail generation charges. At present, there are no reliable public sources for comparable competitive retail energy prices in Virginia due to the infancy of the Commonwealth's retail market. Accordingly, in evaluating the reasonableness of APCo's proposed settlement rates, GDS has adjusted published and confidential prices for wholesale generation services in the Virginia market to reflect "retail

Thomas B. Nicholson, Esquire
 January 18, 2002
 Page 3 of 5

adders" (i.e., competitive retailer marketing, operating costs and profit) that would be included in competitive service offerings to the Public Authorities.

The best publicly available information on future wholesale market energy prices in APCo's region is provided by the New York Mercantile Exchange's (NYMEX) futures contracts for electricity at the Cinergy and PJM hubs. (See www.nymex.com.) The current NYMEX electricity futures prices for 2002 at the Cinergy and PJM hubs are \$26.97/MWh (2.7 cents/kWh) and \$30.60/MWh (3.1 cents/kWh), respectively. These NYMEX futures prices are for 100% load factor wholesale energy delivered at the Cinergy and PJM hubs. Therefore, in order to make these futures prices comparable to APCo's unbundled generation rates, they must be adjusted to reflect the much lower load factor typical of retail loads, and to include retail adders and any transmission costs required to deliver this energy to the AEP system. GDS has significant experience negotiating competitive retail power contracts for commercial loads in Texas. Based on this experience, we estimate that market electricity prices offered to the Public Authorities would include at least 1.0 cents/kWh of retail adders over and above the wholesale price of energy. Assuming the futures prices include an underlying fixed cost component of \$5 per kilowatt-month, the NYMEX prices must also be increased by another 0.7 cents/kWh to reflect delivery at a lower 50% load factor. In addition, GDS estimates that transmission costs to deliver energy to the AEP system could add as much as 0.5 cents/kWh to the NYMEX prices. Based on the above NYMEX prices and adjustments, the estimated competitive market price for retail generation services delivered to APCo's service area at a 50% load factor would fall in the range of 4.4 cents/kWh to 5.3 cents/kWh. The low end of this range is 54% higher than APCo's current average unbundled generation rate for service at a 50% load factor (2.85 cents/kWh), as presented in Table 1.

As a second test of reasonableness, GDS compared APCo's proposed settlement rates to the rates obtained from a competitive solicitation GDS conducted late last year for a wholesale customer located in APCo's Virginia service area. This recent wholesale transaction involved the delivery of full requirements power through 2007. The rates offered by various bidders for service at an average load factor of approximately 35% ranged from 3.8 cents/kWh up to 4.7 cents/kWh, excluding transmission costs. These wholesale prices suggest a competitive retail market price of at least 4.8 cents/kWh, as derived by adding 1.0 cents/kWh for retail adders to the 3.8 cents/kWh low end of the bids for wholesale energy. This 4.8 cents/kWh price is 50% higher

Thomas B. Nicholson, Esquire
January 18, 2002
Page 4 of 5

than APCo's current average unbundled generation rate for service at a 30% load factor (3.2 cents/kWh), as presented in Table 1. Although the market rates under this recent transaction are fixed for the next five years while APCo's settlement rates are subject to increases, GDS believes it is unlikely that APCo's rates will be higher than these market rates during the term of the settlement.

Potential for Changes to Settlement Rates

Under the Act, APCo's Standard Rates may be adjusted to account for future changes in fuel costs or taxes. APCo's current approved fuel factor is 1.31 cents/kWh, which is approximately 25-30% of the total Standard Rate. Taxes generally represent a relatively small fraction of total electricity charges; therefore, GDS would not expect future tax increases to significantly impact APCo's Standard Rates. The vast majority of APCo's system generation requirements are supplied from the Company's coal-fired generating facilities. Due to the abundant supply of coal and modest near-term growth in demand for coal, most experts currently project that coal prices will escalate at annual rates in the range of 1.5% to 2.0% per year. Accordingly, increases in APCo's Standard Rates due to future fuel cost increases should be relatively modest over the next five years. In contrast, the prospect for increases in competitive market electricity prices is much higher during the same period. This is due to the fact that the current excess supply of electricity in most markets is forecasted to decline over the next several years, while at the same time natural gas prices (which significantly impact market energy prices) are forecasted to escalate at a relatively high rate (~3.5% per year). In summary, GDS expects that APCo's Standard Rates will increase at a relatively modest rate over the 2002-2007 settlement period, while much higher increases in competitive market energy prices (3% to 5%/year) are likely to occur during this period.

Conclusions

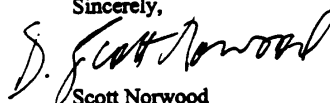
The average rates offered to the Public Authorities under APCo's proposed settlement currently range from 4.03 cents/kWh to 5.53 cents/kWh over the typical load factor range of the group. The average unbundled generation component of APCo's proposed rates currently ranges from 2.7 cents/kWh to 3.2 cents/kWh. Published and confidential information on wholesale market energy prices in Virginia and confidential information on retail supplier costs from other markets

Thomas B. Nicholson, Esquire
January 18, 2002
Page 5 of 5

indicates that competitive retail market prices available to the Public Authorities are likely to be at least 50% higher than the charges for comparable service under APCo's settlement offer. GDS expects that this significant spread between APCo's Standard Rates and competitive market prices will increase over the 2002-2007 term of the proposed settlement due to the relatively modest increase in APCo's system fuel costs anticipated during this period. Based on the above considerations, GDS concludes that APCo's proposed settlement rates will be significantly lower than competitive market alternatives available to the Public Authorities over the term of the proposed settlement agreement.

GDS appreciates the opportunity to assist the Public Authorities with their assessment of the rate provisions of APCo's settlement proposal. Please call if you have questions regarding the above findings and conclusion.

Sincerely,

A handwritten signature in dark ink, appearing to read "S. Norwood", written in a cursive style.

Scott Norwood
Principal

Exhibit "D"

MEMORANDUM

TO: Key Officials - All Jurisdictions in Appalachian Power Company ("APCo") Area

FROM: R. Michael Amyx, Executive Director, VML
James D. Campbell, Executive Director, VACo

DATE: January 14, 2002

RE: Extension of Contracts for Electric Service for Governmental Use

IMMEDIATE ATTENTION AND ACTION REQUIRED

The contracts of each jurisdiction for electric service in the APCo area currently in effect will terminate on June 30, 2002 unless extended as provided herein below.

Retail electric service entails three elements: generation, transmission and distribution to the user. Historically, all three elements have been bundled together and the bundled service has been provided by a single supplier which has been assigned a designated territory in the Commonwealth. In much of the Southwest Virginia that supplier has been APCo. Although the Virginia State Corporation Commission (the "SCC") has traditionally established the terms and rates for the bundled service, for many years the Steering Committee composed of representatives of the APCo jurisdictions have negotiated the terms, conditions and rates for this service to APCo's public authorities. The current contracts are a product of such negotiations conducted in 1999-2000. However, in 1998 the General Assembly adopted the Virginia Electric Utility Restructuring Act (the "Act") whereby retail customers are to be granted a "choice" as to whether they will continue to purchase the generation element from the incumbent supplier such

Page 1

as APCo or from an alternative supplier. The distribution and transmission elements remain with the incumbent and are regulated as to retail customers and are negotiable by public authorities.

The Act contemplates that there will be a truly competitive market for electric generation and because of market competition that customers for the service may attain savings. Under the Act, choice for APCo customers became effective on January 1, 2002. However, because the price for the generation element in a competitive market will be determined by market influences and not based on the cost of service as in the past, the actual cost to the user under "choice" may be greater, perhaps substantially greater, than the public authorities have paid and are now paying under current contracts.

Although the Act provides for a cap on rates as a protection against excessive rates if a customer elects not to change generation supplier, and provides for a default rate in the event an alternative supplier fails to perform, counsel to the Steering Committee advises that it is unclear whether cap rates and default rates will be applicable and available to the public authorities.

As a result of the efforts of the Steering Committee and its counsel, APCo has agreed to provide the public authorities an opportunity whereby they may elect to either (1) terminate the current contracts on June 30, 2002 and seek proposals for services from alternative suppliers, or (2) extend the current contracts from July 1, 2002 through December 31, 2003 at the applicable rates on file for retail customers at the SCC, or (3) extend current contracts from July 1, 2002 through June 30, 2007 at terms and rates on file and approved by the SCC.

If a jurisdiction elects to terminate on June 30, 2002, it should immediately commence preparations to seek proposals from reliable suppliers for generation and to negotiate with APCo for terms and rates related to the distribution and transmission components of the service.

If a jurisdiction elects to extend from June 30, 2002 through December 31, 2003, or from June 30, 2002 through June 30, 2007, when under the Act capped rates and default rates are scheduled to terminate for all customers (and when presumably there will be a true competitive market in the APCo area) its **governing body must so elect by Resolution or Ordinance and notify APCo (through the Steering Committee's counsel) by March 18, 2002.**

The Steering Committee recommends that all jurisdictions in the APCo area elect option (3) to extend contracts from June 30, 2002 through 2007. Attached is a comprehensive memorandum prepared by counsel to the Steering Committee explaining important developments in the SCC and the Federal Energy Regulatory Commission ("FERC") which relate to this matter and which, beginning on page 10, explains in more detail the APCo proposals and the elections required to be made by the public authorities. Although the Steering Committee recommends option (3) extension of the contract through June 30, 2007, each jurisdiction should carefully consider the advantages and disadvantages of all three options before making an election.

Also attached is a form of resolution or ordinance which may be used in the event your jurisdiction elects option (3) and which contains certain recitals supporting the decision to extend the contracts and also includes the agreements by the jurisdiction on which APCo's offer is conditioned.

Because of the importance of this action by the public authorities, the Steering Committee has authorized counsel to schedule informational meetings in Roanoke and Wytheville to answer the questions about the contracts and the extensions.

The Roanoke meeting will be on January 24, 2002 at 2:00 p.m. at Valley Metro Operations Center at 1108 Campbell Avenue, N.E., Roanoke, Virginia, and the Wytheville

meeting will be held on January 25, 2002 at 10:00 a.m. at the Town Municipal Building, 150 East Monroe Street, Wytheville, Virginia. All interested parties are invited to attend these sessions.

Questions may also be directed to counsel:

Howard W. Dobbins, telephone (804) 783-6441;

Thomas B. Nicholson, telephone (804) 783-6904;

C.F. Hicks, telephone (804) 288-6652.

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IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION determining that Appalachian Power Company (sometimes d/b/a American Electric Power) is the only source practicably available to provide electric service at established rates to the City and for providing street light service to the City for the period from July 1, 2002, through June 30, 2007, and authorizing an extension of the City's current contracts for such services upon certain terms and conditions.

WHEREAS, the VML/VACo APCo Steering Committee (Committee) comprised of representatives of local governments and political subdivisions has for many years negotiated on behalf of such governmental units within the service area of Appalachian Power Company (sometimes d/b/a American Electric Power) (APCo) the terms of standard contract forms which have included rates for the purchase of electricity supply and delivery service and for the installation, maintenance and delivery service for street lights by and for said governmental units from APCo as a single or sole source provider; and

WHEREAS, the City's most recent contract for the purchase of electricity supply is for the period beginning July 1, 2000, and will terminate on June 30, 2002, and for street lighting service is for the period beginning January 1, 1993, and will terminate on December 31, 2002; and

WHEREAS, on or about February 12, 2001, APCo agreed with the Committee to extend the term of all such contracts to December 31, 2003, at rates set forth in the Company's Schedule 17 on file with the Virginia State Corporation Commission (the "Commission"); and

WHEREAS, on or about July 24, 2001, American Electric Power Co. ("AEP"), parent corporation of APCo, filed a proceeding in the Federal Energy Regulation Commission ("FERC") seeking approval of amendment of its intercompany agreement which inter alia affects

the supply and computation of the price for electricity furnished to APCo in excess of that produced by APCo, in which proceeding the Committee and the Town of Wytheville appeared and objected; and

WHEREAS, in consideration of the Committee and the Town of Wytheville agreeing to a negotiated settlement of the FERC proceeding which provides substantial protection against potential escalation of the fuel factor which is a component of APCo's total pricing for electricity supplied to its retail customers, including the governmental units, APCo has granted to the governmental units the election or option to: (1) terminate the current contracts on June 30, 2002; or, (2) extend the contracts at Schedule 17 rates to December 31, 2003 pursuant to the offer dated February 12, 2001; or, (3)(a) to extend the current contracts through June 30, 2007, at rates contained in APCo's unbundled Standard Rate Schedules, or any successor or replacement schedules then on file and approved by the Commission; and (b) to extend street light service at rates as in effect July 1, 2000, but subject to changes in the fuel factor; provided that election (3) is conditioned upon the governmental unit so electing and notifying APCo of its election within 90 days of December 18, 2001, that: (i) it has chosen APCo to provide generation service through June 30, 2007; (ii) that it will not chose a different supplier prior to such date; and (iii) it will not request the Commission to determine rates and provisions for default service different from that provided under its contract, as amended by election (3); and

WHEREAS, the Committee has recommended that all jurisdictions in the APCo service area elect option (3) to extend contracts from June 30, 2002, through June 30, 2007, at the rates and subject to the conditions all as set forth in the settlement agreement; and

WHEREAS, in consideration whereof, APCo is the only source practically available which can and will supply electricity service and delivery thereof and to supply street lighting service for the entire needs of the City at established rates for such bundled service or unbundled

generation service for the period from July 1, 2002 through December 31, 2007, as negotiated and recommended by the Committee; and furthermore, based upon the information and recommendation provided by the Committee, it appears that even if in the future there should develop a truly competitive market in the APCo area for generation service, it is questionable whether the Virginia Electricity Restructuring Act (the "Act") provides for capped rates or default rates for public authorities in the APCo area which could place the City at a disadvantage in the event it elects to contract with an alternative supplier or if such alternative generation supplier should default and be unable to provide the electricity; and it further appearing that the contract extensions recommended and agreed to by the Committee will provide this City with a safeguard against excessive electricity generation costs both at this date and in the foreseeable future due to a lack of real competition in this area of Virginia.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. ^{Since} ~~Because~~ APCo is the only electricity generation provider which can and will contract to supply electricity service and delivery and to supply street lighting service thereof to the City for the entire needs of the City at established rates for such services for the period from July 1, 2002, through June 30, 2007, as set forth above, it is hereby determined by this Council that APCo is the only one source practicably available to provide such services, as more particularly set forth in the City Manager's letter to this Council dated February 19, 2002.

2. This Council accepts the offer of APCo to extend its current contract¹ for electric service on a bundled basis² and for street lighting service from July 1, 2002 through June 30, 2007, and in accordance with the conditions in APCo's offer, this ^{Council} ~~Commission~~ agrees that: (i) it has chosen APCo to provide generation service through June 30, 2007; (ii) it will not choose a different supplier prior to such date; and, (iii) it will not request the State Corporation Commission to determine rates and provisions for default service different from that provided in

the contracts, as amended and extended, all as more particularly set forth in the City Manager's letter to this Council dated February 19, 2002.

3. The City Manager and the City Clerk are authorized to execute and attest, respectively, and deliver on behalf of this Council, in form approved by the City Attorney, all documents and take such actions as shall be deemed necessary and appropriate to carry out and administer the foregoing election.

4. The City Clerk is directed to notify APCo of the aforesaid election and agreement by transmitting a certified copy of this resolution to counsel for the Committee, Howard W. Dobbins, 1021 East Cary Street, P.O. Box 1320, Richmond, VA 23218-1320, who is authorized to deliver the same to APCo.

5. In compliance with the Procurement Regulations governing sole source procurement, the City's Purchasing Manager is hereby directed ^{Friday} ~~this day~~ to post a certified copy of this resolution in the City's public area for posting notices.

ATTEST:

City Clerk.

D.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION determining that Appalachian Power Company (sometimes d/b/a American Electric Power) is the only source practicably available to provide electric service at established rates to the City and for providing street lighting service to the City for the period from July 1, 2002, through June 30, 2007, and authorizing an extension of the City's current contracts for such services upon certain terms and conditions.

WHEREAS, the VML/VACo APCo Steering Committee (Committee) comprised of representatives of local governments and political subdivisions has for many years negotiated on behalf of such governmental units within the service area of Appalachian Power Company (sometimes d/b/a American Electric Power) (APCo) the terms of standard contract forms which have included rates for the purchase of electricity supply and delivery service and for the installation, maintenance and delivery service for street lights by and for such governmental units from APCo as a single or sole source provider; and

WHEREAS, the City's most recent contract for the purchase of electricity supply is for the period beginning July 1, 2000, and will terminate on June 30, 2002, and for street lighting service is for the period beginning January 1, 1993, and will terminate on December 31, 2002; and

WHEREAS, on or about February 12, 2001, APCo agreed with the Committee to extend the term of all such contracts to December 31, 2003, at rates set forth in the Company's Schedule 17 on file with the Virginia State Corporation Commission (the "Commission"); and

WHEREAS, on or about July 24, 2001, American Electric Power Co. ("AEP"), parent corporation of APCo, filed a proceeding in the Federal Energy Regulation Commission

("FERC") seeking approval of amendment of its intercompany agreement which inter alia affects the supply and computation of the price for electricity furnished to APCo in excess of that produced by APCo, in which proceeding the Committee and the Town of Wytheville appeared and objected; and

WHEREAS, in consideration of the Committee and the Town of Wytheville agreeing to a negotiated settlement of the FERC proceeding which provides substantial protection against potential escalation of the fuel factor which is a component of APCo's total pricing for electricity supplied to its retail customers, including the governmental units, APCo has granted to the governmental units the election or option to: (1) terminate the current contracts on June 30, 2002; or (2) extend the contracts at Schedule 17 rates to December 31, 2003 pursuant to the offer dated February 12, 2001; or (3)(a) to extend the current contracts through June 30, 2007, at rates contained in APCo's unbundled Standard Rate Schedules, or any successor or replacement schedules then on file and approved by the Commission; and (b) to extend street light service at rates as in effect July 1, 2000, but subject to changes in the fuel factor; provided that election (3) is conditioned upon the governmental unit so electing and notifying APCo of its election within 90 days of December 18, 2001, that: (i) it has chosen APCo to provide generation service through June 30, 2007; (ii) that it will not chose a different supplier prior to such date; and (iii) it will not request the Commission to determine rates and provisions for default service different from that provided under its contract, as amended by election (3); and

WHEREAS, the Committee has recommended that all jurisdictions in the APCo service area elect option (3) to extend contracts from June 30, 2002, through June 30, 2007, at the rates and subject to the conditions all as set forth in the settlement agreement; and

WHEREAS, in consideration whereof, APCo is the only source practically available which can and will supply electricity service and delivery thereof and to supply street lighting

service for the entire needs of the City at established rates for such bundled service or unbundled generation service for the period from July 1, 2002 through December 31, 2007, as negotiated and recommended by the Committee; and furthermore, based upon the information and recommendation provided by the Committee, it appears that even if in the future there should develop a truly competitive market in the APCo area for generation service, it is questionable whether the Virginia Electric Utility Restructuring Act (the "Act") provides for capped rates or default rates for public authorities in the APCo area which could place the City at a disadvantage in the event it elects to contract with an alternative supplier or if such alternative generation supplier should default and be unable to provide the electricity; and it further appearing that the contract extensions recommended and agreed to by the Committee will provide this City with a safeguard against excessive electricity generation costs both at this date and in the foreseeable future due to a lack of real competition in this area of Virginia.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. Since APCo is the only electricity generation provider which can and will contract to supply electricity service and delivery and to supply street lighting service thereof to the City for the entire needs of the City at established rates for such services for the period from July 1, 2002, through June 30, 2007, as set forth above, it is hereby determined by this Council that APCo is the only source practicably available to provide such services, as more particularly set forth in the City Manager's letter to this Council dated February 19, 2002.

2. This Council accepts the offer of APCo to extend its current contracts for electric service on a bundled basis and for street lighting service from July 1, 2002 through June 30, 2007, and in accordance with the conditions in APCo's offer, this Council agrees that: (i) it has chosen APCo to provide generation service through June 30, 2007; (ii) it will not choose a different supplier prior to such date; and, (iii) it will not request the State Corporation

Commission to determine rates and provisions for default service different from that provided in the contracts, as amended and extended, all as more particularly set forth in the City Manager's letter to this Council dated February 19, 2002.

3. The City Manager and the City Clerk are authorized to execute and attest, respectively, and deliver on behalf of this Council, in form approved by the City Attorney, all documents and take such actions as shall be deemed necessary and appropriate to carry out and administer the foregoing election.

4. The City Clerk is directed to notify APCo of the aforesaid election and agreement by transmitting a certified copy of this resolution to counsel for the Committee, Howard W. Dobbins, 1021 East Cary Street, P.O. Box 1320, Richmond, VA 23218-1320, who is authorized to deliver the same to APCo.

5. In compliance with the procurement regulations governing sole source procurement, the City's Purchasing Manager is hereby directed this day to post a certified copy of this resolution in the City's public area for posting such notices.

ATTEST:

City Clerk.

6.b.1

**CITY OF ROANOKE
OFFICE OF CITY CLERK**

215 Church Avenue, S.W., Room 456
Roanoke, Virginia 24011-1536
Telephone: (540) 853-2541
Fax: (540) 853-1145
E-mail: clerk@ci.roanoke.va.us

MARY F. PARKER, CMC
City Clerk

STEPHANIE M. MOON
Deputy City Clerk

SHEILA N. HARTMAN
Assistant Deputy City Clerk

February 19, 2002

File #467

The Honorable Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

On June 30, 2002, the three-year terms of office of Charles W. Day and Brian J. Wishneff as Trustees of the Roanoke City School Board will expire. Mr. Day is ineligible to serve another term inasmuch as he has served three consecutive three-year terms of office.

Pursuant to Chapter 9, Education, of the Code of the City of Roanoke (1979), as amended, establishing a procedure for the election of School Trustees, Council must hold certain meetings and take certain actions during the months of March, April and May to conform with the selection process. Therefore, the concurrence of Council in establishing the following dates is requested:

- (1) On Monday, March 18 at 2:00 p.m., or as soon thereafter as the matter may be heard, Council as a Committee of the Whole, will review and consider all candidates for the position of School Trustee. At such meeting, Council shall review all applications filed for the position and Council may elect to interview candidates for such positions.
- (2) On Monday, April 1 at 2:00 p.m., or as soon thereafter as the matter may be heard, Council will, by public vote, select from the field of candidates, those candidates to be accorded the formal interview and all other candidates will be eliminated from the School Trustee selection process. The number of candidates to be granted the interview shall not exceed three times the number of positions available on the Roanoke City School Board, should there be so many candidates.

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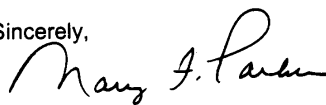
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The Honorable Mayor and Members
of the Roanoke City Council
February 19, 2002
Page 2

- (3) On Monday, April 15 at 7:00 p.m., or as soon thereafter as the matter may be heard, Council will hold a public hearing to receive the views of citizens.
- (4) On Thursday, April 18 at 4:30 p.m., Council will hold a meeting for the purpose of conducting a public interview of candidates for the position of School Trustee.
- (5) On Monday, May 6 at 2:00 p.m., or as soon thereafter as the matter may be heard, Council will hold an election to fill the two vacancies for terms commencing July 1, 2002, and ending June 30, 2005.

Your concurrence in the above-referenced dates will be appreciated in order that applicants may be advised of the proposed schedule.

Sincerely,



Mary F. Parker, CMC
City Clerk

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CITY OF ROANOKE
DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

JAMES D. GRISSO

Director of Finance

February 19, 2002

JESSE A. HALL

Deputy Director

The Honorable Ralph K. Smith, Mayor
 The Honorable William H. Carder, Vice-Mayor
 The Honorable William D. Bestpitch, Council Member
 The Honorable C. Nelson Harris, Council Member
 The Honorable W. Alvin Hudson, Jr., Council Member
 The Honorable William White, Sr., Council Member
 The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

CDBG Program Income from Roanoke Redevelopment and Housing Authority

By agreement with the City of Roanoke, the Roanoke Redevelopment and Housing Authority administers a large segment of the City's Community Development Block Grant program. The Housing Authority receives program income during the course of its administration of various projects through the sale of land and the receipt of loan repayments from project area residents. The Housing Authority is required to transfer this program income to the City of Roanoke. The City is required to use the income for eligible community development activities.

The Housing Authority has made payments to the City in the amount of \$83,830 from May 16, 2001 to January 31, 2002 in excess of revenue estimates previously adopted. Of this amount, \$29,600 resulted from parking lot rental, and \$54,230 from various loan repayment programs.

CDBG Miscellaneous Program Income

The City has received miscellaneous program income as listed below. The amounts represent the difference between what was actually received and the amount that was previously adopted based on repayment estimates.

- \$44,620 from Hotel Roanoke, L.L.C. for loan repayment and interest on the \$6,000,000 Section 108 loan from U.S. Department of Housing and Urban Development. During FY02, Hotel Roanoke made payment totaling \$65,320.
- \$1,022 in various loan repayments and \$5,646 in demolitions revenue.
- \$70,008 from the Williamson Road Parking Garage, which was constructed in part using CDBG funds.

Honorable Mayor and Members
of City Council
February 19, 2002 Page 2

We recommend that City Council appropriate the total \$206,116 in unanticipated CDBG program income as follows:

Unprogrammed CDBG - Other - FY01	(035-G01-0140-5189)	\$ 6,668
Unprogrammed CDBG - RRHA - FY01	(035-G01-0140-5197)	7,265
Unprogrammed CDBG - Section		
108 Loan Repayment - FY02	(035-G02-0240-5188)	44,620
Unprogrammed CDBG - Other - FY02	(035-G02-0240-5189)	70,998
Unprogrammed CDBG - RRHA - FY02	(035-G02-0240-5197)	76,565

The amounts being appropriated to unprogrammed accounts will be available for future appropriation for eligible community development purposes.

HOME Program Income

The Housing Authority also administers a segment of the City's HOME program. The assistance provided by the Housing Authority is predominantly in the form of low- or no-interest active and deferred loans to eligible homeowners and homebuyers. Loan repayments constitute program income to the City's HOME program. As of January 31, 2002, loan repayments received in excess of budget estimate equal \$21,535.

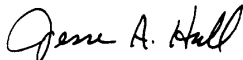
We recommend that City Council appropriate the total \$21,535 in unanticipated HOME program income as follows:

Unprogrammed HOME - FY02	(035-090-5324-5320)	\$ 19,634
Unprogrammed HOME - FY02	(035-090-5323-5320)	1,901

The amounts being appropriated to unprogrammed accounts will be available for future appropriation for eligible HOME activities.

I would be pleased to answer questions City Council may have.

Sincerely,



Jesse A. Hall
Director of Finance

JHA/THT:g

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Barry L. Key, Director of Management and Budget
Frank E. Baratta, Department of Management and Budget

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 Grant Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Community Development Block Grant FY01	\$ 3,107,187
CDBG Unprogrammed - FY01 (1-2)	626,986
Community Development Block Grant FY02	\$ 2,601,887
CDBG Unprogrammed - FY02 (3-5)	342,326
HOME Program FY01	\$ 720,022
HOME Unprogrammed - FY01 (6)	42,022
HOME Program FY02	\$ 772,634
HOME Unprogrammed - FY02 (7)	19,634

Revenues

Community Development Block Grant FY01 (8-13)	\$ 3,107,187
Community Development Block Grant FY02 (14-18)	2,601,887
HOME Program FY01 (19)	720,022
HOME Program FY02 (20-21)	772,634
1) Unprogrammed CDBG -	
Other - FY01 (035-G01-0140-5189) \$ 6,668	
2) Unprogrammed CDBG -	
RRHA - FY01 (035-G01-0140-5197) 7,265	

3) Unprogrammed CDBG - Section 108 Loan Repayment - FY02	(035-G02-0240-5188)	\$ 44,620
4) Unprogrammed CDBG - Other - FY02	(035-G02-0240-5189)	70,998
5) Unprogrammed CDBG - RRHA - FY02	(035-G02-0240-5197)	76,565
6) Unprogrammed HOME - Funds - FY01	(035-090-5323-5320)	1,901
7) Unprogrammed HOME - Funds - FY02	(035-090-5324-5320)	19,634
8) Parking Lot Income	(035-G01-0100-0002)	3,700
9) Other Program Income - RRHA	(035-G01-0100-0003)	1,920
10) Demolitions	(035-G01-0100-0004)	5,646
11) Home Ownership Assistance	(035-G01-0100-0022)	1,022
12) Rental Rehabilitation Repayment	(035-G01-0100-0040)	1,644
13) Land Sale	(035-G01-0100-0042)	1
14) Parking Lot Income	(035-G02-0200-2202)	25,900
15) Other Program Income - RRHA	(035-G02-0200-2203)	23,040
16) Williamson Road Garage	(035-G02-0200-2207)	70,998
17) Hotel Roanoke Section 108 Loan Repayment	(035-G02-0200-2234)	44,620
18) Rental Rehabilitation Repayment	(035-G02-0200-2240)	27,625
19) First Union Loan Repayments - FY01	(035-035-1234-7235)	1,901
20) First Union Loan Repayments - FY02	(035-090-5324-5320)	16,961
21) HOME Program Income - RRHA - FY02	(035-090-5324-5324)	2,673

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall
be in effect from its passage.

ATTEST:

City Clerk.

7.a.

CITY OF ROANOKE
DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461
P.O. Box 1220
Roanoke, Virginia 24006-1220
Telephone: (540) 853-2821
Fax: (540) 853-6142

JAMES D. GRISSO
Director of Finance
February 19, 2002

JESSE A. HALL
Deputy Director

The Honorable Ralph K. Smith, Mayor
The Honorable William H. Carder, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable C. Nelson Harris, Council Member
The Honorable W. Alvin Hudson, Jr., Council Member
The Honorable William White, Sr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

We have reviewed the attached request to appropriate funding for the School Board. This report will appropriate the following:

\$210,695 from the Capital Maintenance and Equipment Replacement Fund to provide funds for music instrument replacement, administrative technology equipment, replacement of school buses, facility maintenance equipment, the relocation of modular units, physical education equipment, and handicap access.

\$1,500 for the Special Education Assistive Technology program to provide funds for the purchase of equipment and software to assist students with disabilities. This continuing program will be reimbursed one hundred percent by federal funds.

\$20,188 for the Special Education Capacity Building (Sliver) program to provide funds to assist the division in providing direct services and in making systemic change to improve results for children with disabilities. This continuing program will be reimbursed one hundred percent by federal funds.

\$2,608 for the Jobs for Virginia Graduates program to serve at least 25 economically disadvantaged students, providing classroom training and work experience to assist the students to prepare for high school graduation or to sit for the General Education Development (GED) examination. This continuing program is funded from federal funds.

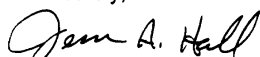
\$7,500 for the Expanded GED Testing Services program to establish a satellite GED test center at the Virginia Employment Commission and expand the testing services in the Roanoke City testing area. This continuing program will be reimbursed one hundred percent by State funds.

Members of Council
Page 2
February 19, 2002

\$1,274 for the Advanced Placement (AP) Test program to reimburse part or all of the cost of fees for the 2002 AP test for low-income students who take the test. This is a new State funded grant.

We recommend that you concur with this request of the School Board.

Sincerely,



Jesse A. Hall
Director of Finance

JAH/JSY/pac

Attachment

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
E. Wayne Harris, Superintendent of City Schools

7.a.



Sherman P. Lea, Chairman
Ruth C. Willson, Vice Chairman
Charles W. Day

Marsha W. Ellison
Gloria P. Manns
Melinda J. Payne

Brian J. Wishnett
E. Wayne Harris, Ed.D., Superintendent
Cindy H. Lee, Clerk of the Board

Roanoke
City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

February 19, 2002

The Honorable Ralph K. Smith, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

The School Board respectfully requests City Council to approve the following appropriations which were approved at its February 12 meeting.

- \$210,695.00 from the Capital Maintenance and Equipment Replacement Fund to provide funds for music instrument replacement, administrative technology equipment, replacement of school buses, facility maintenance equipment, the relocation of modular units, physical education equipment, and handicap access.
- \$1,500.00 for the Special Education Assistive Technology program to provide funds for the purchase of equipment and software to assist students with disabilities. This continuing program will be reimbursed one hundred percent by federal funds.
- \$20,188.00 for the Special Education Capacity Building (Sliver) program to provide funds to assist the division in providing direct services and in making systemic change to improve results for children with disabilities. This continuing program will be reimbursed one hundred percent by federal funds.
- \$2,608.00 for the Jobs for Virginia Graduates program to serve at least 25 economically disadvantaged students, providing classroom training and work experience to assist the students to prepare for high school graduation or to sit for the General Education Development (GED) examination. This continuing program is funded from federal funds.
- \$7,500.00 for the Expanded GED Testing Services program to establish a satellite GED test center at the Virginia Employment Commission and expand the testing services in the Roanoke City testing area. This continuing program will be reimbursed one hundred percent by State funds.

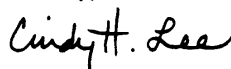
Preparing Students for Success

Members of Council
Page 2
February 19, 2002

- \$1,274.00 for the Advanced Placement (AP) Test program to reimburse part or all of the cost of fees for the 2002 AP test for low-income students who take the test. This is a new State funded grant.

The Board appreciates the approval of this request.

Sincerely,



Cindy H. Lee, Clerk

re

cc: Mr. Sherman P. Lea
Dr. E. Wayne Harris
Mr. Richard L. Kelley
Mr. Kenneth F. Mundy
Mr. William L. Murray

Mrs. Darlene L. Burcham
Mr. William M. Hackworth
Mr. Jesse A. Hall
Mrs. Ann H. Shawver (with accounting details)

7.a.

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and School Funds Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 General and School Funds Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

General Fund

Appropriations

Nondepartmental	\$ 71,628,765
Transfers to Other Funds (1)	71,106,060

Fund Balance

Reserved for CMERP - Schools (2)	\$ 787,310
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School Fund

Appropriations

Education	\$ 129,469,971
Special Education Assistive Technology 2001-02 (3)	1,500
Special Education Capacity Building (Silver) Grant 2000-01 (4-6)	20,188
Jobs for Virginia Graduates 2001-02 (7)	52,568
Expanded GED Testing Services 2002-02 (8-11)	7,500
2002 Advanced Placement (AP) Test Program (12)	1,274
Facilities (13-19)	1,631,050

Revenues

Education	\$ 127,919,046
Special Education Assistive Technology 2001-02 (20)	1,500
Special Education Capacity Building (Silver) Grant 2000-01 (21)	20,188

Jobs for Virginia Graduates 2001-02 (22)	\$ 52,568
Expanded GED Testing Services 2002-02 (23)	7,500
2002 Advanced Placement (AP) Test Program (24)	1,274
Transfer from General Fund (25)	46,014,562

Fund Balance

Reserved for CMERP - Schools (26)	\$ -0-
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1) Transfer to School Fund	(001-250-9310-9530)	\$ 26,894
2) Reserved for CMERP - Schools	(001-3324)	26,894
3) ADDT - Machinery and Equipment	(030-062-6579-6029-0313)	1,500
4) Other Professional Services	(030-062-6579-6029-0313)	14,688
5) In Service Workshops	(030-062-6579-6029-0587)	5,000
6) In Service Supplies	(030-062-6579-6029-0617)	500
7) Educational and Recreational Supplies	(030-062-6741-6351-0614)	2,608
8) Supplements	(030-062-6749-6334-0129)	6,270
9) Social Security	(030-062-6749-6334-0201)	480
10) Mileage	(030-062-6749-6334-0551)	250
11) Education and Recreational Supplies	(030-062-6749-6334-0614)	500
12) Maintenance Service Contracts	(030-062-6835-6113-0332)	1,274
13) ADDT - Machinery and Equipment	(030-065-6006-6109-0821)	9,722
14) Replacement Data Process Equipment	(030-065-6006-6302-0806)	2,147
15) Replacement of School Buses	(030-065-6006-6676-0808)	55,750
16) ADDT - Machinery and Equipment	(030-065-6006-6681-0821)	94,340
17) Buildings	(030-065-6006-6681-0851)	30,160
18) ADDT - Other Capital Outlay	(030-065-6006-6682-0829)	11,640
19) ADDT - Other Capital Outlay	(030-065-6006-6896-0829)	6,936
20) Federal Grant Receipts	(030-062-6578-1102)	1,500

21) Federal Grant		
Receipts	(030-062-6579-1102)	\$ 20,188
22) Federal Grant		
Receipts	(030-062-6741-1102)	2,608
23) Fees	(030-062-6749-1103)	7,500
24) State Grant Receipts	(030-062-6835-1100)	1,274
25) Transfer from		
General Fund	(030-060-6000-1037)	26,894
26) Reserved for		
CMERP - Schools	(030-3324)	183,801

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.



A.1.
 Roanoke City Department of Planning
 Building and Development
 Room 166, Municipal Building
 215 Church Avenue, S.W.
 Roanoke, Virginia 24011
 (540) 853-1730 (Fax) 853-1230
 Email: planning@ci.roanoke.va.us

February 19, 2002

Honorable Ralph K. Smith, Mayor
 Honorable William H. Carder, Vice Mayor
 Honorable William D. Bestpitch, Council Member
 Honorable C. Nelson Harris, Council Member
 Honorable W. Alvin Hudson, Council Member
 Honorable William White, Sr., Council Member
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Adoption of *Outlook Roanoke Update* as the downtown element of
 the *Vision 2001-2020 Comprehensive Plan*

Planning Commission Action:

On January 23, 2002, the Planning Commission held a public hearing on the above plan. Several persons spoke in favor of the adoption; no one spoke in opposition to the plan. Subsequently, by a vote of 6-0 (Messrs. Butler, Campbell, Chrisman, Hill, Manetta and Rife voting in favor; Mr. Dowe absent), the Planning Commission adopted a resolution recommending amendment of *Vision 2001-2020*, the City's adopted comprehensive plan, to include *Outlook Roanoke Update*, as an element of the plan.

Background

In 1997, the City of Roanoke, Downtown Roanoke, Inc., and the Roanoke Redevelopment and Housing Authority collaborated to develop *Outlook Roanoke*, a plan for downtown Roanoke. Several initiatives identified in *Outlook Roanoke* have been realized (e.g., the Higher Education Center, the rail walk, and the improvements on Williamson Road and the Second Street Bridge).

Over the past couple of years, downtown has experienced several development projects, and more are planned. Some of these projects included establishment of the South Jefferson Redevelopment Area, pursuance of an IMAX theatre, improvements to Roanoke Passenger Station for the arts, potential development adjacent to Jefferson Center, improvements to the Main Library, construction of the Linear Rail Walk, improvements to Henry Street, and completion of a Higher Education Center. In addition, two key planning activities influenced downtown: *Vision 2001-2020 Comprehensive Plan* and neighborhood plans for neighborhoods adjacent to the downtown (e.g., Gainsboro, Old Southwest, Belmont/Fallon). The need to coordinate

these projects and plans resulted in the development of the *Outlook Roanoke Update* (downtown plan).

In August 2000, Urban Design Associates (UDA), an architecture and planning firm, was hired by Downtown Roanoke Inc. to facilitate a planning process and prepare an update for downtown development. UDA sub-contracted with Hill Studio, P.C., Nottingham and Associates, Inc., and Zimmerman/Volk Associates, Inc. to prepare the plan.

A steering committee consisting of citizens, downtown business persons, neighborhood leaders and City staff was created to oversee the development of the downtown plan. Several sub-committees were also created to address specific issues regarding the downtown area (e.g., housing, parking and transportation, technology, entertainment, the Main Library and the Jefferson Center).

In November 2000, neighborhood meetings also were held in Old Southwest, Belmont/Fallon and Gainsboro to discuss coordination between the downtown plan and the neighborhood plans.

In February 2001, a public meeting was held at the Higher Education Center to discuss downtown issues. The results of that meeting are summarized in the section of the downtown plan entitled, *Planning Process: Good Things/Bad Things*.

In September 2001, a joint meeting of the Planning Commission and the City Council was held to present the recommendations of the *Outlook Roanoke Update* and provide opportunities for further discussion.

Considerations

The purpose of the downtown plan is to provide a framework for prioritizing and coordinating the development projects and planning activities in the downtown area. The plan identified several priorities that are categorized into five initiative areas and opportunities:

1. Elmwood Park Initiative (park enhancement, library alternatives, new development opportunities)
2. Church Avenue Initiative (Jefferson & Church development opportunities, Williamson & Church development opportunities, Church Avenue development opportunities)
3. E-Town Initiative (Warehouse Row, Campbell Avenue, and other development opportunities)
4. Market Initiative (City Market area development opportunities)
5. Jefferson Center Initiative (Jefferson Center area development opportunities)

The plan recommends implementation of these development initiatives when two or more individual components are ready to move forward.

(Outlook Roanoke Update). Two of these plans have been completed and adopted and the remaining ones are near completion and should be forthcoming in the next few months for public hearing and adoption.

In addition to these plans, a major amendment of the City's zoning ordinance to include a new zoning district - Institutional Planned Unit Development District (INPUD) was recommended by the Commission and adopted by City Council. Also, the Commission met jointly with City Council to review and recommend the South Jefferson Redevelopment Plan, one of the City's newest economic development initiatives with the Roanoke Redevelopment and Housing Authority.

The Commission's major goal for 2002 is the implementation of the Comprehensive plan through the revision of the City's Zoning Ordinance, which was adopted in 1987. Proposals have been solicited, interviews held and a consultant selected for the project. Formal authorization from Council to hire the consultant is expected in the next few weeks. The Commission's Ordinance and Names Committee will be active in the review of the new ordinance, as well as a citizen's committee.

In addition to the Zoning Ordinance, the Commission also will be involved in the adoption of several neighborhood plans during 2002 and we will continue to monitor our progress in implementing the initiatives and strategies set forth in *Vision 2001-2020*. Commission members are particularly interested in working to pursue initiatives related to new housing development, village centers, redevelopment of underutilized commercial and industrial areas, and integration of city design principles for new development.

Meeting attendance information and the status of certifications of Commission members is attached to this report for your information.

Respectfully submitted,



Robert B. Manetta, Chairman
City of Roanoke Planning Commission

/mpf

cc: Darlene L. Burcham, City Manager
Rolanda Johnson, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk

1/23/02

IN THE PLANNING COMMISSION FOR THE
CITY OF ROANOKE, VIRGINIA,

A RESOLUTION recommending amendment of Vision 2001-2020, the City's adopted comprehensive plan, to include Outlook Roanoke Update.

WHEREAS, in 1997, the City of Roanoke, Downtown Roanoke, Inc., and the Roanoke Development and Housing Authority collaborated to develop Outlook Roanoke, a development plan for downtown Roanoke;

WHEREAS, in the last several years, downtown Roanoke has experienced several development projects, and more are planned;

WHEREAS, the City of Roanoke has recently adopted Vision 2001-2020, the City's comprehensive plan, and neighborhood plans for neighborhoods adjacent to downtown Roanoke;

WHEREAS, the future development projects and the various plans relating to the neighborhoods in the vicinity of downtown Roanoke need to be coordinated for the appropriate development and growth of the City of Roanoke;

WHEREAS, Downtown Roanoke, Inc., retained an architectural and planning firm to develop Outlook Roanoke Update, an updated development plan for downtown Roanoke;

WHEREAS, Outlook Roanoke Update resulted from the efforts of a committee and subcommittee, consisting of downtown business persons, neighborhood leaders and City Staff;

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WHEREAS, Outlook Roanoke Update recommends that certain infrastructure changes be made which are designed to encourage an easier flow of traffic within the downtown area and between downtown and adjacent neighborhoods and other areas; and

WHEREAS, this Commission finds that Vision 2001-2020, the City's adopted comprehensive plan, should be amended to include Outlook Roanoke Update.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission for the City of Roanoke that the Planning Commission recommends that City Council amend Vision 2001-2020, the City's adopted comprehensive plan, to include Outlook Roanoke Update as an element thereof.

Adopted this 23rd day of January, 2002.

ATTEST:

By Martha P. Franklin
Secretary, Roanoke City Planning Commission

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SS-
2/6/02

A.1.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION amending Vision 2001-2020, the City's adopted comprehensive plan, to include Outlook Roanoke Update as an element of the comprehensive plan.

WHEREAS, in 1997, the City of Roanoke, Downtown Roanoke, Inc., and the Roanoke Development and Housing Authority collaborated to develop Outlook Roanoke, a development plan for downtown Roanoke;

WHEREAS, in the last several years, downtown Roanoke has experienced several development projects, and more are planned;

WHEREAS, the City of Roanoke has recently adopted Vision 2001-2020, the City's comprehensive plan, and neighborhood plans for neighborhoods adjacent to downtown Roanoke;

WHEREAS, the future development projects and the various plans relating to the neighborhoods in the vicinity of downtown Roanoke need to be coordinated for the appropriate development and growth of the City of Roanoke;

WHEREAS, Downtown Roanoke, Inc., retained an architectural and planning firm to develop Outlook Roanoke Update, an updated development plan for downtown Roanoke;

WHEREAS, Outlook Roanoke Update resulted from the efforts of a committee and subcommittee, consisting of downtown business persons, neighborhood leaders and City Staff; and

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WHEREAS, Outlook Roanoke Update recommends that certain infrastructure changes be made which are designed to encourage an easier flow of traffic within the downtown area and between downtown and adjacent neighborhoods and other areas; and

WHEREAS, the Planning Commission has recommended, after public notice and public hearing, that Vision 2001-2020, the City's adopted comprehensive plan, be amended to include Outlook Roanoke Update as an element thereof;

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Roanoke that Vision 2001-2020, the City's adopted comprehensive plan, be amended to include Outlook Roanoke Update as an element thereof.

ATTEST:

City Clerk.

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